

## TITLE V - PROPERTY AND LAND USE

ZONING ORDINANCE FOR THE UNINCORPORATED  
AREA OF DALLAS COUNTY, IOWA

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45.01 TITLE. This ordinance shall be known and may be cited and referred to as the "Zoning Ordinance" of Dallas County, Iowa.

45.02 INTERPRETATION OF STANDARDS. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this ordinance shall control.

45.03 AGRICULTURE EXEMPT. In accordance with Iowa Code Section 335.2, this ordinance does not apply to agricultural land and the activity of farming while so used. However, the ordinances may apply to any structure, building dam, obstruction, deposit or excavation in or on the flood plains of any river or stream. To qualify for the exemption, the land must be utilized primarily as a part of an agricultural enterprise that is operated with the intention of selling agricultural products in the marketplace and thereby earning a profit. In order to be considered for an agricultural exemption from zoning, a form for agricultural exemption must be submitted to the Director of Planning and Development for review. The determination of agricultural exemption is made by the Director of Planning and Development. Appeal of the Director's decision to the Dallas County Board of Adjustment must be made within thirty (30) days of the decision.

45.04 DEFINITIONS. For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural number includes the singular; the word "shall" is mandatory, the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual; the words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

1. Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. Adult Uses: Adult Uses include Adult Amusement or Entertainment, Adult Book Store or Gift Shop, Adult Hotel or Motel, Adult Photo Studio, Adult Theatre and Massage Parlor.
3. Adult Amusement or Entertainment: An amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to "Specified Sexual Activities: or "Specified Anatomical Areas", as defined herein, including but not limited to topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.
4. Adult Book Store or Gift Shop: An establishment having as a substantial and significant portion of its stock in trade books, magazines and other periodicals or goods and items held for sale which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined herein.
5. Adult Hotel or Motel: A building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein a substantial and significant portion of the materials presented are distinguished or characterized by an

emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined herein, for observation by the individuals therein.

6. Adult Photo Studio: An establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing "Specified Anatomical Areas: or "Specified Sexual Activities", as defined herein.

7. Adult Theater: A theater wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on acts or material depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined herein, for observation by patrons herein.

8. Agriculture or Agricultural Use: The use of any land for the production of, and as an accessory use for the treatment and storage of, plants, animals or horticultural products, all for intended profit. "Agriculture" shall include the cultivation of land for the production of agricultural crops, the production of eggs, the production of milk and the production of fruit or other horticultural crops, with the intention of selling such items or products for a profit in the marketplace. "Agriculture" shall include the breeding, raising, feeding, grazing, housing and pasturing of horses, beef and dairy cattle, poultry, sheep, swine and honey bees, with the intention of selling such animals or products therefrom for a profit in the marketplace. The raising of animals and plants primarily for the purpose of the personal use and enjoyment of the owners or occupants of the subject property, and not for the purpose of selling such animals, plants or products therefrom for a profit in the marketplace, shall not constitute agricultural use. "Agriculture" shall not include any auction sales yards, recreational facilities, rural or urban areas used primarily for residential or recreational purposes, commercially operated stockyards or feedlots, and areas used for the production of timber, forest products, nursery products or sod. "Agriculture" shall not include a contract where a processor or distributor of farm products or supplies provides spraying, harvesting or other farm products. .

9. Antenna: Any structure or device used to collect or radiate telecommunications signals.

9a. Airport: A facility where aircraft operate, consisting of at least one hard surfaced runway in excess of 4,000 feet in length and associated buildings for the purpose of storage and maintenance of an aircraft, and warehouse facilities. Airports are primarily used for commercial and general aviation purposes.

10. Basement: A story having part but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purpose of height regulations.

11. Bed and Breakfast: An accessory use of a single-family residence for the accommodation of overnight guests. A maximum of five (5) rooms shall be available for rent.

12. Boardinghouse: A building other than a hotel or motel, occupied as a single housekeeping unit, where lodging or meals are provided for three (3) or more, but not exceeding eight (8) persons for compensation, but not open for transient guests, in contradistinction to hotels and motels open to transients.
13. Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.
14. Building Height: The vertical distance from the average natural grade at the building line, to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest point of a gable or hip roof.
15. Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. For the purpose of this ordinance a carport attached to a principal building shall be considered as part of the principal building and subject to all yard requirements herein.
16. Cellar: That portion of a building having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.
17. Clinic, Medical or Dental: A building or buildings in which physicians, dentists or physicians and dentists, and allied professional assistants are associated for the purpose of carrying on their professions.
18. Commercial Feedlot: A feedlot as defined herein, under joint or corporate ownership or control and where the livestock feed is not grown on the premises, and which is not part of a typical farm operation where crops, livestock, and/or grazing are all carried out as a part of the same operation.
19. Commission: The County Planning and Zoning Commission of Dallas County, Iowa.
20. Common Sewer System: A central sewer collecting system available to each platted lot and discharging into a treatment plant, the construction and location of which is approved by the County Board of Health and/or the State Board of Health.
21. Common Water System: A central water supply system available to each platted lot from one single source approved by the County Board of Health.
22. Conditional Use: A use permitted in a particular zoning district only upon showing that such a use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in the Dallas County Zoning Ordinance and as authorized.

23. Day Nursery or Nursery School: Any public or private agency, institution, establishment or place which provides supplemental parental care and/or educational work, other than lodging overnight, for six (6) or more unrelated children of pre-school age, for compensation.
24. Director of Planning and Development: The administrative officer appointed by the Board of Supervisors to administer and enforce the regulations included in this ordinance.
25. Dwelling: Any building or portion thereof which is designed, or used exclusively for residential purposes but not including a tent, cabin, or trailer.
26. Dwelling, Single-Family: A detached residence designed for or occupied by one family only.
27. Dwelling, Two-Family: A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.
28. Dwelling, Multiple: A residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.
29. Dwelling, Condominium: A multiple dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the others; regulated by Chapter 499B, Code of Iowa.
30. Dwelling, Row: Any one of three or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls. Also referred to as a "town-house".
31. Dwelling Unit: A room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one family containing bathroom and/or kitchen facilities.
32. Elder Family Home: A private household owned by a responsible party offering a social living arrangement for at least two but not more than five persons, the majority of whom are elders, who are not related within the third degree of consanguinity and who are not able or willing to adequately maintain themselves in an independent living arrangement, but who are essentially capable of physical self-care, which is registered as an elder family home with the state department of elder affairs in accordance with Section 231A.2, Code of Iowa.
33. Elder Group Home: A single-family residence that is a residence of a person who is providing room, board and personal care to three through five persons 60 years of age or older who are not related to the person providing the service within the third degree of consanguinity or affinity and which is certified by the state department of elder affairs as an elder group home in accordance with Section 231B.2, Code of Iowa.

34. **Factory-Built Housing:** A factory-built structure designed for long-term residential use. For the purposes of this Ordinance, factory-built housing consists of three types: modular homes, mobile homes, and manufactured homes.

35. **Factory-Built Structure:** Any structure which is, wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site.

36. **Family:** An individual, or two or more persons related to one another by blood, marriage, or legal adoption, including foster children, and not more than two (2) roomers; or, in the alternative, not more than three (3) unrelated persons.

37. **Family Home:** A home for the physically disabled which is intended to serve two to five residents who are members of a nonprofit corporation formed in accordance with Section 504C.1, Code of Iowa, or a community-based residential home which is licensed as a residential care facility under Chapter 135C, Code of Iowa, or as a foster care facility under Chapter 237.1, Code of Iowa, to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight persons with a development disability or brain injury and any necessary support personnel; provided that the term "family home" does not mean an individual foster care family home licensed under Chapter 237.1, Code of Iowa.

38. **Farmstead:** The buildings, including the farm house and adjacent service area buildings that are part of the farm operation.

39. **Feedlot:** A lot, yard, corral, or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter or the sale of products derived from such animals. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze.

40. **Floodplain:** As defined by the Federal Emergency Management Agency, FIRM maps as Zone "A" or as determined by appropriate engineering calculations on a wet stream. Local 100-year runoff levels shall be considered separately from designated floodplain.

41. **Garage, Private:** An enclosed structure intended for and used for the parking of the private motor vehicles of the families upon the premises.

42. **Gas Station:** Any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles, and including such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories, and other items customarily associated with the sale of such products; for the rendering of services and making of adjustments and replacements to motor vehicles, and the washing, waxing and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except those of a major type.

Repairs of a major type are defined to be spray painting, body, fender, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; or complete recapping or retreading of tires.

43. Height: The vertical distance measured from the base of a structure to the highest point of the structure.

44. Home Occupation: Any occupation, profession, activity or use carried out by a resident with the intention for economic gain in the resident's own dwelling unit and/or accessory structure located on the same property. The home occupation must be clearly subordinate to the residential or agricultural use of the property.

44.1 Home Occupation Permit: All home occupations must complete a Home Occupation Application provided by the Department of Planning and Development, pay the appropriate fee, obtain approval of a Home Occupation Permit from the Director of Planning and Development and meet all of the following criteria:

- (1) The business shall be conducted by a resident of the dwelling. No employees are allowed for a home occupation, other than immediate family members who reside in the dwelling.
- (2) The use of the dwelling for a home occupation shall in no way destroy or be incompatible with the residential character of the neighborhood.
- (3) No more than one (1) home occupation shall be carried on a parcel of land.
- (4) No odor, noise, vibration, dust and electrical interference shall be detectable at the property line.
- (5) The residence shall not be used as a storage facility for a business conducted elsewhere.
- (6) The property shall not be used as a staging area for employees and equipment for business conducted elsewhere.
- (7) Automobile dealers and other retail uses that require outdoor display are not permitted as a home occupation.
- (8) The following additional standards are required for all home occupations except for child care homes:
  - (a) The home occupation may be conducted inside the dwelling or accessory building.
  - (b) No more than twenty (20) percent of the total floor area of the dwelling shall be used for the home occupation. The total floor area shall include total square footage of the house excluding any attached garage or accessory building.
  - (c) No activity, materials, goods or equipment incidental to the home occupation shall be stored outdoors.
  - (d) The home occupation shall not significantly increase the traffic in the area.
  - (e) Parking shall be so designed and constructed to be visible similar to residential property and driveways in the area.

45. Hotel: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or rooming house.

46. Junk or Salvage: All old or scrap copper, brass, lead, or any other nonferrous metal; old rope, rags, batteries, paper, trash, rubber debris, waste, used lumber or salvaged wood; dismantled or inoperable vehicles, unsafe vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel, or other old or scrap ferrous material; old discarded glass, tinware, plastic, or old discarded household goods or hardware; cut brush, including dead or decaying plant material, except a contained compost pile or orderly stacked firewood if cut in lengths less than or equal to four feet.

47. Junkyard or Salvage Yard: Any place not fully enclosed in a building which is used in whole or in part for the storage or deposit of junk encompassing either: (a) an area of 200 square feet or more; or (b) two or more unlicensed or inoperable motor vehicles, or used parts and materials thereof, which taken together equal the bulk of two or more motor vehicles.

48. Kennel: Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets. Kennel shall also mean the keeping of three (3) or more dogs, cats, or other household pets of the mammal group over the age of six months.

48a. Landing field: A facility where aircraft operate consisting of non-hard surfaced (dirt, turf, or granular) runway less than 4,000 feet in length and associated buildings for the purpose of storage and maintenance of aircraft. Landing fields are primarily for agricultural uses, such as crop dusting/spraying, and for recreational use.

49. Lot: For the purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open space as are herein required. Such lot shall have frontage on a public road or street and may consist of: (a) a single lot of record; (b) a portion of a lot of record; (c) a combination of complete lots of record, of complete lots of record and portions of lots of records, or of portions of lots of record; and (d) a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

50. Lot, Corner: A lot abutting upon two (2) or more streets at their intersection.

51. Lot, Depth: The mean horizontal distance between the front and rear lot lines.

52. Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.



53. Lot, Interior: A lot other than a corner lot.
54. Lot Lines: The lines bounding a lot, including the right-of-way line of any public road or highway acquired by easement.
55. Lot of Record: A lot which is part of a subdivision in the office of the County Recorder of Dallas County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
56. Lot Width: The width of a lot measured at the building line and at right angles to its depth.
57. Lot, Reversed Frontage: A corner lot, the side street line of which is substantially a continuation of the front lot line of the first platted lot to its rear.
58. Manufactured Home: A factory-built, single-family structure, which is manufactured or constructed under the authority of 42 USC 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling. For the purposes of this Ordinance, a manufactured home shall be considered the same as any site-built single-family detached dwelling.
59. Massage Parlor: Any building, room, place or establishment, where manipulated massage or manipulated exercise is practiced for pay upon the human body with an emphasis on "Specified Sexual Activities" or "Specified Anatomical Areas", as defined herein, by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse and practical nurse operating under a physician's direction, physical therapist, chiropodist, registered speech pathologist and physical or occupational therapist who treat only patients recommended by a licensed physician and operate only under such physician's direction, whether with or without the use of mechanical, therapeutic or bathing devices, and shall include Turkish bath houses. The term shall not include a regular licensed hospital, medical clinic or nursing home, duly licensed beauty parlors or barber shops.
60. Mini-Warehouse: A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of a customer's goods or wares.<sup>61</sup>
61. Mobile Home: Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons, and also including any such vehicle with motive power not registered as a motor vehicle in this state. A mobile home

is factory-built housing built on a chassis. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. However, certain mobile homes may be classified as “manufactured homes.”

62.     Modular Home: Factory-built housing certified as meeting the state building code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

63.     Nursing or Convalescent Home: A building or structure having accommodations and where care is provided for invalid, infirmed, aged, convalescent, or physically disabled or injured persons, not including insane and other mental cases, inebriate, or contagious cases.

64.     Outdoor Storage: The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

65.     Parking Space: A permanently surfaced area of not less than two hundred (200) square feet plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering, incidental to parking or exiting, shall not encroach upon any public right-of-way.

66.     Planned Development: An area of a minimum contiguous size, as specified by ordinance, developed according to plan as a single entity and containing one or more structures with appurtenant common areas.

67.     Porch: A roofed or unroofed open structure projecting from the front, side, or rear wall of a building. For the purposes of this Ordinance, a porch is considered a part of the principal building and is not permitted to extend into any required yards.

68.     Porch, Unenclosed: A roofed projection which has no more than fifty (50) percent of each outside wall area enclosed by a building or siding material other than meshed screens.

69.     Principal Use: The main use of land or structures as distinguished from an accessory use.

70.     Public Hunting Area: An area specifically designed by an agency of the federal, state or county government as open to members of the public for the hunting of game birds and animals.

71.     Rooming House: See Boardinghouse.

72.     Setback: The shortest distance between a structure and a lot line or future street line.

73. Specified Anatomical Areas: Less than completely and opaquely covered human genital, pubic region, buttocks; and a female breast below a point above the top of the areola; and human male genitals in a discernibly turgid state-even if completely and opaquely covered.

74. Specified Sexual Activities: Patently offensive acts, exhibitions, representations, depictions or descriptions of:

A. Human genitals in a state of sexual stimulation or arousal;

B. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast;

C. Intrusion, however slight, actual or simulated, by any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body;

D. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated;

E. Flagellation, mutilation or torture, actual or simulated, in a sexual context.

75. Stable, Commercial: A building or structure used or intended to be used for housing horses, mules, or ponies which are hired, bred, boarded, or shown on a commercial basis.

76. Stable, Private: A building or structure used or intended to be used for housing horses, mules, or ponies belonging to the owner of the property only, for non-commercial purposes.

77. Story: That portion of a building included between the surface of any floor next above it, or if there be no floor above it, then the space between the floor and the ceiling or roof next above it.

78. Story, Half: A space under a sloping roof which has the line of inter of roof decking and wall face not more than four (4) feet above the top floor level.

79. Street Line: The right-of-way line of a street, road or highway.

80. Street, Public: Any thoroughfare or public way which has been dedicated to the public or deeded to the County for street or road purposes.

81. Structural Alterations: Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.

82. Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, poster panels, swimming pools, manmade ponds and lakes, wells and septic tanks.

83. Telecommunications: The transmission between or among points specified by the user of information of the user's choosing, without change in the form of content of the information as sent and received.

84. Telecommunications Tower: Any guyed, monopole, or self-supporting tower, constructed as a free-standing structure or in association with a building or other permanent structure, containing one or more telecommunications antennas.

85. Travel Trailer: A recreational vehicle, with or without motive power; designed as a temporary dwelling, not exceeding eight (8) feet in width and forty (40) feet in length, exclusive of separate towing unit. Such vehicles are customarily and ordinarily used for travel or recreational purposes and not used for permanent habitation. Any recreational vehicle that is used for habitation on any lot or parcel for more than ninety (90) days is considered to be a mobile home and must meet all requirements for a mobile home or be removed from the site.

86. Yard: An open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this ordinance. In the instance of an irregular lot or building site, yard designation shall be as determined by the Planning and Community Development staff.

87. Yard, Front: A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

88. Yard, Rear: A yard extending the full width of the lot between a main building and the rear lot line.

89. Yard, Side: A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.

90. Zoning Administrator: See Director of Planning and Development.

45.05 ESTABLISHMENT OF DISTRICTS. In order to carry out the purpose and intent of this ordinance the unincorporated area of Dallas County, Iowa, is hereby divided into thirteen (13) zoning district classifications as follows:

- A-1 Agricultural District
- A-2 Agricultural / Floodplain / Conservation District
- RE-1 Suburban Estate District
- R-1 Suburban Residential District
- R-2 One and Two Family Residential District

R-3	Multiple Residential District
PUD	Planned Unit Development District
C-1	General Commercial District
C-2	Highway Service Commercial District
PC/OD	Planned Commercial/Office Park District
I-1	Limited Industrial District
PIP	Planned Industrial Park District
PBP	Planned Business Park District

45.06 BOUNDARIES AND OFFICIAL ZONING MAP. The boundaries of these districts are indicated on the Official Zoning Map of Dallas County, Iowa, which map is made a part of this ordinance by reference hereto. The Official Zoning Map and all the notations, references and other matters shown thereon shall be as much a part of this ordinance as if the notations, references and other matters set forth by said map were all fully described herein. The Official Zoning Map shall be on file in the office of the Director of Planning and Development, and shall bear the signature of the Chairman of the Board of Supervisors attested by the County Auditor, under the certification that this is the Official Zoning Map referred to in Section 45.06 of the Zoning Ordinance.

If in accordance with the provisions of this ordinance changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, the resolution number and date of said change shall be recorded by the Director of Planning and Development on the Official Zoning Map.

The Board of Supervisors may from time to time adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map, in the event that the Official Zoning Map becomes damaged or destroyed; or for purposes of clarity due to a number of boundary changes, or to correct drafting errors or omissions; provided, however, that any such adoption shall not have the effect of amending the original zoning ordinance or any subsequent amendment thereof.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

Boundaries indicated as approximately following the center lines of streets, highways, alleys, or other public right-of-way shall be construed to follow such center lines;

Boundaries indicated as approximately following platted lot lines, shall be construed as following such lot lines;

Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;

Boundaries indicated as approximately following corporate limits shall be construed as following corporate lines;

Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

Boundaries indicated as approximately following the center lines of rivers, streams, creeks or other waterways shall be construed to follow such center lines;

Boundaries not capable of being determined in the previous paragraphs shall be as dimensioned on the Official Zoning Map or if not dimensioned shall be determined by the scale shown on the map.

#### 45.07 GENERAL REGULATIONS.

1. Conformance Required. Except as hereinafter specified, no building or structure shall be erected, converted, enlarged reconstructed or structurally altered, nor shall any building or land be used, which does not comply with all of the district regulations established by this ordinance for the district in which the building or land is located.

2. Street Frontage Required. Except as permitted in Section 45.27 of this Ordinance no lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least forty (40) feet on at least one public street, or unless it has an exclusive unobstructed private easement of access or right-of-way of at least twenty (20) feet wide to a street; and there shall be not more than one (1) single-family dwelling for such frontage or easement, except that a common easement of access at least fifty (50) feet wide may be provided for two (2) or more such single-family dwellings or for one (1) or more two-family or multiple dwellings.

3. Accessory Building. No accessory building shall be erected in any required yard other than a rear yard, except as provided hereinafter. Accessory buildings in rear yards shall be at least five (5) feet from alley lines; and at least two (2) feet from lot lines of adjoining lots which are in any Residence District, and on a corner lot they shall conform to the setback regulations on the side street. Accessory buildings may be erected as a part of the principal building, or may be connected thereto by a breeze-way or similar structure, provided all yard requirements for a principal building are complied with. An accessory building which is not a part of the main building shall not occupy more than thirty (30) percent of the rear yard and shall not exceed twenty (20) feet in height. No accessory building shall be constructed upon a lot until the construction of the main building has actually commenced, and no accessory building shall be used unless the main building on the lot is also being used, except in the A-1, A-2, and RE-1 districts, where one accessory building per four (4) acres is permitted without a main building.

4. Corner Lots. For corner lots, platted or of record after the effective date of this ordinance, the front yard regulation shall apply to each street side of the corner lot.

5. Front Yard. In all residential districts there shall be a minimum front yard required as stated in the yard requirements from that particular district; provided, however, that where lots comprising thirty (30) percent or more of the frontage within

two hundred (200) feet of either side lot line are developed with buildings at a greater or lesser setback, the front yard requirements shall be the average of these building setbacks and the minimum front yard required for the undeveloped lots. In computing the average setback, buildings located on reverse frontage lots or entirely on the rear half of lots shall not be counted. The required front yard as computed herein need not exceed seventy-five (75) feet in any case.

6. Required Yard Cannot be Reduced. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum required by this ordinance. No part of a yard or other open space, or off-street parking or loading space provided about any building, structure, or use for the purpose of complying with the provisions of this ordinance shall be included as part of a yard, open space, or off-street parking or loading space required under this ordinance for another building, structure, or use.

7. Permits Previously Issued. Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any building, or part thereof, for which approvals and/or required permits have been granted before the enactment of this ordinance; the construction of which in conformance with such plans shall have been started prior to the effective date of this ordinance and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control.

8. Zoning Districts Dividing Property. Where one (1) parcel of property is divided into two (2) or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in its respective zoning classification, and for the purpose of applying the regulations of this ordinance, each portion shall be considered as if in separate and different ownership.

9. Unlicensed Motor Vehicles. All motor vehicles not currently licensed shall be stored in a building.

10. 55 Foot Utility Setbacks. Except as otherwise permitted by state or federal law, every underground private utility or public utility pipeline or transmission line hereinafter constructed adjacent to a county road, shall be constructed or installed at least fifty-five (55) feet from the center line of said county road. The provisions of Section 45.27 and Section 45.29 of this Ordinance specifically apply to said construction.

11. One Main Building Per Residential Lot. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one residential lot unless otherwise provided in this Ordinance.

12. Concept Plan Required. A concept plan is required for all development within the Agricultural and Limited Residence (A-2), Planned Unit Development (PUD), Planned Commercial/Office (PC/OD), and Planned Industrial Park (PIP) zoning districts (See

45.21 Concept Plans). A concept plan must also be submitted with any request for a zone change in the areas shown as the "growth impact area" on the Official Land Use Plan for Dallas County. In addition, the Planning and Zoning Commission or Board of Supervisors may require the submittal of a concept plan as a condition of record in conjunction with any zone change request where not normally required.

13. Comprehensive Plan. A Comprehensive Plan shall be adopted by the Board of Supervisors for the purpose of establishing general guidelines for development within Dallas County and promoting the public health, safety convenience and general welfare. The following standards and procedures shall apply with regard to the adoption and implementation of the Comprehensive Plan:

A. Contents. The Comprehensive Plan shall be in the form of a written text document, together with a Comprehensive Plan Land Use Map. In addition to these two documents, the Comprehensive Plan may include any other exhibits or elements as determined by the Board of Supervisors.

B. Adoption; Hearings. Before adopting the Comprehensive Plan, or any part of it or any substantial amendment thereof, the Planning and Zoning Commission shall hold at least one public hearing thereon. After its public hearing or hearings, the Planning and Zoning Commission, by the affirmative vote of a majority of the members of the Commission, shall approve its written report and recommendations regarding the adoption of the Plan, or part or amendment thereof, and promptly shall forward its report and recommendations to the Board of Supervisors. After receipt of the report and recommendations of the Planning and Zoning Commission, the Board of Supervisors shall hold at least one public hearing thereon. After its public hearing or hearings, the Board of Supervisors may adopt the Plan, or part or amendment thereof. When the Plan, or any modification or amendment thereof, shall receive the approval of the Board of Supervisors, the approved Plan shall constitute the official Comprehensive Plan, until subsequently modified or amended by the Board of Supervisors.

C. Notice of Hearings. Before the first public hearing before the Planning and Zoning Commission, and before the first public hearing before the Board of Supervisors, notice shall be given by one publication in a newspaper of general circulation in Dallas County, not less than four nor more than 20 days before the date of the hearing.

D. Copy of Plan. A complete copy of the Comprehensive Plan shall be maintained for public inspection in the office of the Director of Planning and Development.

14. Critical Areas. Any petition for rezoning, application for special use permit, conditional use permit or variance, or subdivision plat concerning any lands which include "critical areas," as hereinafter defined, shall be referred to the Dallas County Conservation Department for review and written comment prior to final action on the



proposed by the appropriate County decision-maker. Critical areas are lands which have any of the following characteristics:

- A. Topographic gradients greater than 25% (25 feet vertical fall in 100 feet of horizontal distance) as determined by the USDA Soil Survey Report for Dallas County, topographic survey, or field observation.
- B. A "floodplain" landscape position as determined by the USDA Soil Survey Report for Dallas County.
- C. A "terrace" or "footslope" landscape position as determined by the USDA Soil Survey Report for Dallas County.
- D. A "valley wall" landscape position as determined by the USDA Soil Survey Report for Dallas County.
- E. A "small valley bottom" landscape position as determined by the USDA Soil Survey Report for Dallas County.
- F. Land that is owned by a public agency for the purpose of conservation of natural resources or public recreation.
- G. Considered by the State Archaeologist or the State Historic Preservation Officer to be a site possessing historic or archaeological importance.
- H. Considered by the Department of Natural Resources to be a site possessing important, rare, or endangered plant or animal species.
- I. Considered by the geologist or hydrologist to be a site possessing important geologic or hydrologic features.
- J. Located within a horizontal distance of 1000 feet of the North, Middle, or South Raccoon Rivers.

Zoning, Conditional Use, Platting or Variance petitions in these areas, shall be referred to the Dallas County Conservation Department for review and comment.

15. Adult Uses. Adult uses in business districts which are immediately adjacent to and which serve residential neighborhoods have a deleterious effect on both the business and the residential segments of the neighborhood. The establishment of more than two (2) adult uses within one thousand (1,000) feet of each other compounds this deleterious effect. Control of the location of adult uses is needed to allow an acceptable level of such uses while maintaining neighborhoods which meet the expectations of the general public.

16. Electrical Substations. Electrical substations are allowed in all zoning districts. As part of the permit application, a concept plan shall be submitted that is in compliance

with Section 45.21. Screening and landscaping shall be required in conformance with Sections 45.22 and 45.23. In addition, the Director shall notify all property owners within five hundred feet (500') of the proposed substation and allow them to review the application plans. A decision by the director to approve a permit may be appealed to the Dallas County Board of Adjustment, according to Section 45.28.3.

17. Telecommunications Towers and Antenna. In zoning districts where telecommunications towers and antenna are allowed as permitted uses, they shall comply with all of the following limitations, regulations and requirements:

A. Application Requirements. An application for the construction of a telecommunications tower, or placement of a commercial telecommunications antenna on an existing structure other than a tower previously permitted, shall be filed with the Director of Planning and Development accompanied by a fee of \$275.00. The application shall include the following documents:

- (a) A site plan, drawn to scale, identifying the site boundary; tower location; tower height; guy wires and anchors; existing and proposed structures, including accessory structures; photographs or elevation drawings depicting design of proposed structures, parking, fences and landscape plan; and existing uses on abutting parcels. A site plan is not required if antenna is to be mounted on an approved existing structure;
- (b) A current map showing locations of all of the applicant's antennas, facilities, existing towers and proposed towers serving, or intended to serve, any property within Dallas County;
- (c) A report from a structural engineer containing a description of the tower, including a description of the design characteristics and material; documentation to establish that the tower has sufficient structural integrity for the proposed uses at the proposed location and meets the minimum safety requirements in Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures"; and a description of the general capacity of the tower in terms of the number and type of antennas it is designed to accommodate;
- (d) If the applicant is other than the site owner, written authorization from the site owner for the application;
- (e) Identification of the owners of all antennas and equipment to be located at the site;
- (f) Evidence that the applicant contacted owners of all existing or approved towers within a one-half mile radius of the proposed new tower site, including County-owned property, and that the equipment for which

the tower is being constructed cannot be technologically or structurally accommodated on an existing or approved tower;

(g) Evidence that a valid FCC license for the proposed activity has been issued;

(h) A written agreement to remove the tower and/or antenna within 180 days after cessation of use, in accordance with the following subsection E;

(i) Evidence that the applicable height and setback requirements and the applicable conditions of the following section C have been met; and

(j) Additional information as required to determine that all applicable conditions of this Ordinance have been met.

B. Notification of Owners in Neighborhood. The Director of Planning and Development shall notify all property owners within 1,000 feet of the proposed tower or antenna of the application and of their right to review all application plans and documents.

C. Applicable Conditions. Any applicant must show that all of the following applicable conditions are met:

(a) Prior to consideration of a permit for location on private property which must be acquired, the applicant must show that available publicly owned sites, and available privately owned sites, are unsuitable for operation of the facility under applicable telecommunications regulations and the applicant's technical design requirements. A tower shall not be allowed if technically suitable space can be found on an existing telecommunications tower within a one-half mile radius of the proposed new tower site.

(b) The applicant must show that the new tower is designed to accommodate the applicant's future demand for additional antennas.

(c) The applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.

(d) All towers and telecommunications facilities shall be of camouflage design standards. Examples of camouflage facilities include, but are not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and telecommunications towers designed to blend into the surrounding environment or to look other than a tower, such as light poles, power poles and trees. At a

minimum, all towers not requiring FAA painting or markings shall have an exterior finish which is galvanized or painted dull blue or gray.

(e) For telecommunications towers on Dallas County property, the applicant must file with the Director of Planning and Development a written indemnification of the County and proof of liability insurance or other proof of financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, in a form approved by the Dallas County Attorney. This information shall be updated annually by the applicant.

(f) For free-standing telecommunications towers, setbacks on all sides shall be a distance equal to the height of the tower.

(g) The base of any telecommunications tower shall be screened from view with a solid screening fence a minimum of six feet in height.

(h) Except as to height and setback regulations, any telecommunications tower shall be subject to all general zoning regulations applicable to structures within the zoning district within which the tower is located.

D. Inspection. At least every 24 months, every telecommunications tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of telecommunications towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection check list provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures." A copy of such inspection record shall be provided to the Director of Planning and Development.

E. Abandonment. In the event the use of any telecommunications tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Director of Planning and Development. Upon such abandonment, the tower owner shall have an additional 180 days within which to (1) reactivate the use of the tower, or (2) dismantle and remove the tower. If the tower is not dismantled and removed as required, the county may do so and assess the costs against the property for collection in the same manner as a property tax.

19. Public Hunting Area Building Restrictions. No building shall be erected, constructed or moved to a location within 200 yards of a Public Hunting Area; provided, however, that this prohibition shall not be applicable to the erection, construction or moving of any of the following buildings:

- A. Any farm building that is exempt from the provisions of this Ordinance pursuant to Iowa Code Section 335.21.
- B. Any building erected, constructed or moved to a lot or an officially platted subdivision, if the lot or officially platted subdivision was of record on July 22, 2004.
- C. Any building erected, constructed or moved to replace a building that was in existence on July 22, 2004. The replacement building shall not be closer to the Public Hunting Area than the original building; the replacement building shall not exceed the floor area of the original building by more than fifty (50) percent; and the replacement building must be erected, constructed or moved to the site no later than one (1) year after removal or destruction of the original building.

45.08. NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, AND NON-CONFORMING USE OF STRUCTURES.

Statement of Intent. Within the various districts established by this ordinance or amendments that may later be adopted there exist structures and uses of land and structures which were lawful prior to the adoption of this Ordinance but which would be prohibited, regulated, or restricted under the provisions of this Ordinance. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that such non-conformities shall not be enlarged upon, expanded or extended.

1. Non-conforming Use of Land, Use of Structures, and Structures in any Residential District.

- A. Non-Conforming Use of Land. The lawful use of land upon which no building or structure is erected or constructed which becomes non-conforming under the terms of this Ordinance as adopted or amended may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - (a) No such non-conforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
  - (b) No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel which was not occupied by such use at the effective date of adoption or amendment of this Ordinance;
  - (c) If any such non-conforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the district regulations for the district in which such land is located.

B. Non-Conforming Use of Structures. If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) No existing structure devoted entirely or in part to a use not permitted by this Ordinance in the district in which it is located, except when required by law, shall be enlarged, extended, reconstructed, moved, or structurally altered, unless the use is changed to a use permitted in the district in which such structure is located;

(b) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance. No such use shall be extended to occupy any land outside such building;

(c) If no structural alterations are made, a non-conforming use of a structure may be changed to another non-conforming use of a similar nature within the same or a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use;

(d) In the event that a non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for a period of one (1) year, the use of the same shall thereafter conform to the uses permitted in the district in which it is located. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land;

(e) Any structure devoted to a use made non-conforming by this Ordinance that is destroyed by any means of sixty (60) percent or more of its replacement cost at the time of destruction, exclusive of the foundations, shall not be reconstructed and used as before such happening. If the structure be less than sixty (60) percent destroyed above the foundation, it may be reconstructed and used as before provided it be done within six (6) months of such happening, and be built of like or similar materials.

C. Non-Conforming Structures. Where a structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its locations on the lot, such

structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) No such structure may be enlarged or altered in a way which increases its non-conformity;

(b) Should such structure be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

2. Non-Conforming Use of Land, Use of Structures, and Structures in any District other than a Residential District.

A. Non-Conforming Use of Land. The regulations described in Section 45.08.1.A shall also apply to this subsection.

B. Non-Conforming Use of Structures. The regulations described in Section 45.08.1.B shall also apply to this subsection with the following exception: Any structure in any district other than a residential district devoted to a use made non-conforming by this Ordinance may be structurally altered or enlarged in conformity with the lot area, lot coverage, frontage, yard, height, and parking requirements of the district in which located, provided such construction shall be limited to buildings on land owned, of record, by the owner of the land devoted to the non-conforming use prior to the effective date of this Ordinance. Such structural alteration or enlargement shall not authorize the substitution of a non-conforming use that is less restrictive than the one to which the structure was devoted at the time of this Ordinance.

C. Non-Conforming Structures. The regulations described in Section 45.08.1.C shall also apply to this subsection.

3. Required Repairs. Nothing in this ordinance shall be deemed to prevent the restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

#### 45.09 A-1 DISTRICT REGULATIONS (Agricultural District).

Statement of Intent. The A-1 District is intended and designed to preserve agricultural resources and protect agricultural land from encroachment of urban land uses.

1. Principal Permitted Uses. Only the following uses of structures or land shall be permitted in the A-1 District:

A. Agriculture and the usual agricultural buildings and structures, feedlots, poultry farms, grain storage and grain drying facilities; provided, however, that all feedlots and poultry farms shall meet all of the waste treatment requirements of

the Iowa Department of Natural Resources and obtain the necessary permits, where applicable; and further provided that no commercial feedlot shall be located closer than 1/4 mile (1,320 feet) to any "R" District boundary, to any residence not associated with the operation, or to the corporate limits of any city or town.

B. Single-family dwellings, including manufactured homes, but not including mobile homes unless they have been converted to real property and installed on a permanent foundation, have had any wheels or axles removed, and are taxed as a site-built dwelling; provided, however, that, from and after July 22, 2004, no more than one dwelling (whether the dwelling is a single-family dwelling, elder family home, elder group home or family home) shall be permitted on a single tract of land that was of record on July 22, 2004, even though a single tract of record on July 22, 2004, may subsequently be divided into two or more parcels. For purposes of this subsection, the terms "tract" and "parcel" shall have the meanings ascribed to them under the Subdivision Regulations of Chapter 42, Dallas County Code of Ordinances.

C. Churches, chapels, temples, and similar places of worship.

D. Public and parochial schools, elementary and secondary, and colleges and universities.

E. Publicly owned parks, playgrounds, golf courses, and recreation areas.

F. Privately owned recreational areas and centers, including camp grounds, country clubs, swimming pools, and golf courses; but not including automotive race tracks, drive-in theaters and similar commercial uses.

G. Cemeteries, including mausoleums.

H. Kennels for the raising, breeding and boarding of dogs or other small animals; providing that all buildings, including exercise runways, be at least two hundred (200) feet from all property lines.

I. Nurseries, greenhouses and truck gardens.

J. Stables, private and public, and riding academies and clubs, and other structures for housing animals or fowl. Any such structure must be located at least two hundred (200) feet from all boundary lines of the property on which located, except for horses which are kept solely for private or personal use, then such structures must be located not less than one hundred (100) feet from said boundaries.

K. Elder family homes, provided that any new elder family home shall not be located closer than 1,000 feet from an existing elder family home, and provided



further that, from and after July 22, 2004, no more than one dwelling (whether the dwelling is a single-family dwelling, elder family home, elder group home or family home) shall be permitted on a single tract of land that was of record on July 22, 2004, even though a single tract of record on July 22, 2004, may subsequently be divided into two or more parcels. For purposes of this subsection, the terms “tract” and “parcel” shall have the meanings ascribed to them under the Subdivision Regulations of Chapter 42, Dallas County Code of Ordinances.

L. Elder group homes, provided that any new elder group home shall not be located closer than 1,000 feet from an existing elder group home, and provided further that, from and after July 22, 2004, no more than one dwelling (whether the dwelling is a single-family dwelling, elder family home, elder group home or family home) shall be permitted on a single tract of land that was of record on July 22, 2004, even though a single tract of record on July 22, 2004, may subsequently be divided into two or more parcels. For purposes of this subsection, the terms “tract” and “parcel” shall have the meanings ascribed to them under the Subdivision Regulations of Chapter 42, Dallas County Code of Ordinances.

M. Family homes, provided that any new family home shall not be located closer than 1,000 feet from an existing family home, and provided further that, from and after July 22, 2004, no more than one dwelling (whether the dwelling is a single-family dwelling, elder family home, elder group home or family home) shall be permitted on a single tract of land that was of record on July 22, 2004, even though a single tract of record on July 22, 2004, may subsequently be divided into two or more parcels. For purposes of this subsection, the terms “tract” and “parcel” shall have the meanings ascribed to them under the Subdivision Regulations of Chapter 42, Dallas County Code of Ordinances.

N. Telecommunications towers and antenna, subject to the following requirements. No free-standing telecommunications tower shall exceed a height of 500 feet. Telecommunications antennas erected on existing structures other than telecommunications towers shall not exceed one-third of the height of the existing structure, and the total height of the existing structure and the antenna shall not exceed 200 feet. All telecommunications towers and antenna shall comply with all of the requirements and regulations of Section 45.07.16. The foregoing height limitations for telecommunications towers and antenna shall override the general maximum height limitation set forth in the regulations for this District.

## 2. Permitted Accessory Uses.

A. Uses of land or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

- B. Private garage or carport.
- C. Home occupation.
- D. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed three (3) per building.
- E. Temporary building for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- F. Roadside stands for the sale of products grown on the premises.

3. Conditional Uses.

A. Description and Purpose. The development and administration of a comprehensive zoning ordinance is based upon the division of the County into zoning districts with uniform regulations defining permitted uses of land and structures within each district. It is recognized, however, that there are occasions when in addition to the principal permitted uses, conditional uses may be allowed after careful consideration of the impact of the particular uses upon the neighborhood and public facilities therein.

B. Authorization. The following uses may be authorized by a conditional use permit granted by the Board of Adjustment:

- (a) Mink and chinchilla farms and ranches.
- (b) Landing fields.
- (c) Mining and extraction of minerals and raw materials, including sand and gravel pits, and concrete and/or asphalt batch plants, subject to all of the following requirements:

(1) There is hereby created and established a committee to be known as the Mining Advisory Committee. Upon receipt by the Board of Adjustment of an application for a conditional use permit for mining and extraction of minerals and raw materials, and concrete and/or asphalt batch plants, or for a concrete and/or asphalt batch plant, the Dallas County Board of Supervisors shall appoint seven (7) persons to serve as the members of the Mining Advisory Committee. The members shall be the Dallas County Engineer, Dallas County Director of Conservation, Dallas County Administrator of Environmental Health, Dallas County Director of Planning and Development, a geologist with expertise in mine

reclamation, a representative of the applicant and a representative of residential and/or commercial developers active in the area in which the proposed use is to be located, if any. The Director of Planning and Development shall chair the Committee. Each application for a conditional use permit for mining and extraction of minerals and raw materials, and concrete and/or asphalt batch plants, or for a concrete and/or asphalt batch plant, shall be referred to the Mining Advisory Committee for its review, evaluation and recommendations, if any. The Committee shall endeavor to complete its review, evaluations and recommendations, if any, within a reasonably prompt time period. The Committee's evaluation and recommendations, if any, shall identify the relevant issues as to which the Committee members are in agreement and disagreement. The Committee shall submit its written evaluation and recommendations, if any, to the Planning and Zoning Commission and the Board of Adjustment, and the Board shall consider the Committee's evaluation and recommendations, if any, in making its determination regarding the granting of the conditional use permit and the conditions to be imposed.

(2) In undertaking its review, evaluation and recommendations concerning each conditional use permit application, the Mining Advisory Committee shall give due consideration to the standards and criteria set forth in Model 9d in a document entitled "Site Suitability Modeling for Sand and Gravel Extraction in Dallas County, Iowa," dated February 8, 2003, prepared by Paul F. Anderson, Department of Landscape Architecture, Department of Agronomy, Iowa State University, Ames, Iowa, which document is on file for public inspection in the office of the Dallas County Director of Planning and Development.

(3) If rock crushing or material recycling is to be conducted on the site, the applicant must include in the permit application a complete description of the proposed rock crushing or material recycling use, including a description of the equipment to be used, anticipated noise levels, times of operation and any other relevant information required by the Board or its staff. The Board shall determine whether rock crushing or material recycling is to be allowed on the site under a conditional use permit, and, if allowed, the Board shall impose appropriate conditions and limitations as a part of the permit.

(4) If the proposed mining and extraction operation or concrete and/or asphalt batch plant is located in or on the flood plain of any river or stream, the operation shall be subject to all of the

requirements of the Flood Plain Management Ordinance, Chapter 40, Dallas County Code of Ordinances, and the Code of Iowa.

(5) If the proposed mining and extraction operation or concrete and/or asphalt batch plant is located, at its nearest point, within two (2) miles of the boundaries of a city, and if the city's comprehensive plan includes the property on which the proposed mining and extraction operation or concrete and/or asphalt batch plant is located, then the Board shall review and consider the city's comprehensive plan in making its determination regarding the granting of the conditional use permit and the conditions to be imposed.

(6) An applicant for a conditional use permit for a concrete and/or asphalt batch plant that satisfies the criteria for temporary batch plants hereinafter set forth in Section 45.09.3.B.(m) shall have the option to seek a permit under the provisions either of Section 45.09.3.B.(c) or Section 45.09.3.B.(m).

- (d) Public or private sanitary landfills and solid waste disposal facilities.
- (e) Private gun clubs, skeet-shooting ranges, commercial swimming pools and similar uses.
- (f) Private camp grounds.
- (g) Automobile race tracts and/or drag strips and snowmobile tracks.
- (h) Public water supply and sewage treatment facilities.
- (i) Manufactured and natural gas transmission, regulation, storage and distribution facilities. Agricultural chemical and fertilizer, including anhydrous ammonia, storage and distribution facilities.
- (j) Any public building erected and used by any department of the Township, County, State or Federal Government, not previously allowed as a principal permitted use.
- (k) Establishments or enterprises involving large assemblages of people or automobiles including, but not limited to:
  - (1) Amusement parks;
  - (2) Carnivals, circuses and fairgrounds, except as hereinafter provided;

- (3) Commercial sports or recreational enterprises, including amphitheaters, convention halls and auditoriums;
- (4) Rodeo grounds, show rings, music festivals and sports festivals.

(l) Stills and accessory buildings for the production of alcohol if licensed or approved by the appropriate state or federal regulatory agencies.

(m) Temporary concrete and/or asphalt batch plants, subject to all of the following requirements:

- (1) Such batch plants shall be erected and used only to supply material for use in one identified city, county, state or federal highway or road construction or improvement project.
- (2) A permit for such a batch plant shall be granted only for the period of eighteen (18) months after the date of issuance of the permit, or until completion of the identified highway or road project, whichever time period expires first.
- (3) No such batch plant shall be permitted within 1,000 feet from any residential dwelling, unless all of the owners and tenants, if any, of the dwelling have submitted their written consents to the Board prior to the Board's decision on the application.
- (4) Access to such batch plant shall be allowed only from arterial or collector streets, roads or highways. Access from local residential streets or roads or collector streets or roads serving residential areas shall be prohibited.
- (5) The applicant shall submit a plan for routing of trucks to and from the proposed batch plant as part of the permit application, and approval of such plan by the Board is a condition to approval of the permit application.
- (6) The batch plant shall be removed immediately after the completion of the identified highway or road project or projects, and the batch plant site shall be restored to its original state prior to erection of the batch plant.
- (7) An application for a temporary concrete and/or asphalt batch plant shall not be subject to consideration by the Planning

and Zoning Commission under the requirements of Section 45.09.3.E.

C. Conditions To Authorization. In granting any conditional use permit, the Board of Adjustment may prescribe such restrictions and conditions with respect to the permitted use as the Board deems reasonable to further the objectives of this Ordinance. No conditional use permit shall be granted by the Board of Adjustment unless the Board first finds all of the following conditions to exist:

(a) Surrounding Area. The value and qualities of the area (or neighborhood) surrounding the conditional use are not substantially injured, and the establishment of a conditional use will not impede the normal and orderly development and improvement of surrounding undeveloped property for uses predominant in the area. In reviewing and acting upon each application for a conditional use permit, the Board shall each give due consideration to the proximity of the proposed use to public parks, schools, licensed day care facilities, dwellings and residential districts, and commercial and industrial areas targeted for development by the comprehensive plan and land use policies of the County.

(b) Infrastructure. Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

(c) Intent of Ordinance. The conditional use is consistent with the intent and purpose of this Ordinance to promote public health, safety, and general welfare.

(d) Nuisance Factors. Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

(e) Comprehensive Plan. The conditional use is not inconsistent with the comprehensive plan and land use policies of the County.

(f) Time. The Board shall determine whether or not the conditional use shall be limited in duration and/or hours of operation. The terms of the conditional use permit shall specify any such limitation.

(g) Environmental Review. The Board shall require reasonable measures to control noise, odor, and dust adequately and to prevent the operation from posing an environmental risk for neighboring properties or waterways. The terms of the conditional use permit shall specify any such required measures. If an environmental review by the Conservation

Department is required under any ordinances or regulations, the Board shall consider all recommendations included in the review before determining the appropriate environmental protections.

(h) Landscaping. Appropriate landscaping berms and buffers are included if necessary to minimize the impact of the conditional use on adjacent property.

(i) Financial Guarantees. The Board shall determine whether or not the conditional use permit applicant should be required to submit a plan to restore the property once the conditional use has terminated, and provide for the funding of said restoration. If the Board requires such a plan, then the conditional use permit may not be granted until such time as the plan has been submitted to the Board and approved.

(j) Cumulative Impact. The Board shall make a determination that the proposed use would not cause a significant adverse cumulative impact when considered together with other uses previously permitted by conditional use permit. While the impact of a single use permitted by conditional use permit may be deemed acceptable by the Board, the location of more than one conditional use in close proximity to another conditional use may have the potential of causing a significant adverse cumulative impact in the neighborhood.

(k) Report by County Engineer. All applications for conditional use permit shall be submitted to the County Engineer for review. The County Engineer shall submit a report on the impact of the proposed use on roads and other infrastructure matters prior to the public hearing before the Board on the application, and prior to the public hearing before the Planning and Zoning Commission if one is required. The Board may require reasonable measures to be taken by the applicant to address the impact on roads and other infrastructure matters. The terms of the conditional use permit shall specify any such required measures.

The criteria set forth in subsections (f), (g), (h), (i), (j) and (k) of Section 45.09.3.C shall not apply to conditional use permit applications reviewed by the Planning and Zoning Commission prior to September 19, 2001, provided that the applicant agrees: (1) that its permit will be subject to all of the restrictions imposed on any prior permit issued, or (2) if no prior permit was issued, that its permit will be subject to all of the restrictions recommended by the Planning and Zoning Commission.

D. Application. An application for a conditional use permit shall be filed with the Planning and Development Office on a form provided for that purpose. The application shall be accompanied by such plans, information, elevations and site plans as required by the Board of Adjustment or the Director of Planning and

Development. The applicant shall pay a filing fee according to the Schedule of Fees: Dallas County Zoning Ordinance, which is on file in the Office of the Director of Planning and Development. An application for a conditional use permit shall be deemed filed upon receipt of the application by the Office of Planning and Development. Any application for a conditional use permit filed on or after January 1, 1990, shall be considered as filed, on file, and pending. Notwithstanding any other provisions set out in this Ordinance, all conditional use permit applications previously reviewed by, and as to which a positive recommendation has been issued by, the Dallas County Planning and Zoning Commission, and all conditional use permit applications previously approved by the Board of Supervisors of Dallas County, shall be resubmitted by the Director of Planning and Development directly to the Dallas County Board of Adjustment for review.

E. Hearing Procedures. Each application for a conditional use permit shall first be considered at least one public hearing before the Planning and Zoning Commission. After hearing, the Planning and Zoning Commission shall issue written recommendations concerning the proposed conditional use and shall forward such recommendations to the Board of Adjustment. After receipt of the recommendations of the Planning and Zoning Commission, the Board of Adjustment shall fix a reasonable time for a public hearing on the application, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the public hearing, any party may appear in person or by agent or attorney.

F. Decision. After public hearing, the Board of Adjustment shall render a decision on the application. Sections 45.29.5 and 45.30 of this Ordinance shall govern the voting and decision-making procedures of the Board, as well as appeals from decisions of the Board. Except as specifically provided in a decision by the Board to grant a conditional use permit, the conditional use shall conform to all applicable regulations of the district or districts in which it is located. A conditional use permit shall run with the land and shall be binding upon the affected property until officially amended.

G. Amendment To Approved Conditional Use. The Director of Planning and Development may approve minor amendments to a conditional use permit in keeping with the intent of the original approval, or refer the amendment to the Board of Adjustment to be considered at its next regularly scheduled meeting. The process does not require a public hearing unless the Board of Adjustment finds the requested amendment to be a significant change to the intent of the original approval, in which case the Board of Adjustment shall require that a new application be submitted and processed in the same fashion as the original application for conditional use permit.

H. Reversion. If an approved conditional use is not initiated within one (1) year of issuance of a conditional use permit, or if an approved conditional use is



discontinued or abandoned for a continuous period of one (1) year, then the right to maintain or continue the conditional use shall terminate by operation of law without any further action by the Board of Adjustment.

4. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Section 45.27.

A. Lot Area: Schools, colleges and universities, churches, chapels, temples and private recreation centers: Five (5) acres (which may include road easements, except that existing farmsteads are allowed on less than five (5) acres, if the original farmstead was less than five (5) acres). Single-family dwellings, elder family homes, elder group homes and family homes: Ten (10) acres. No minimum required for other permitted uses.

B. Lot Width: 150 feet.

C. Front Yard: 50 feet.

D. Side Yards: Dwellings: Total side yard--50 feet, minimum on one side--25 feet. Other permitted uses: 50 feet on each side, except for accessory nonagricultural buildings, which must have a fifteen (15) foot setback.

E. Rear Yard: 50 feet, except for accessory nonagricultural buildings, which must have a fifteen (15) foot setback.

F. Maximum Height: 35 feet.

G. Maximum Number of Stories: No limitation.

5. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sections 45.24 and 45.25.

#### 45.10 A-2 DISTRICT REGULATIONS (Agricultural/Floodplain/Conservation District).

Statement of Intent. The A-2 District is intended and designed to establish regulations to prevent physical damage to public and private property and to aid in the preservation of the natural heritage of the county. It is furthermore the purpose of the A-2 District to protect the environment. Specifically, the objectives of this section include: (1) To identify and conserve the unique natural and cultural features and aesthetic qualities of the county's critical areas; (2) To minimize water runoff and soil erosion problems incurred in adjustments of the terrain to meet development needs, and; (3) To assure that the type, density, and distribution of development is compatible with the natural systems and terrain of the critical areas.

1. Principal Permitted Uses. Only the following uses of structures or land shall be permitted in the A-2 District:

- A. Any principal permitted use permitted in and as regulated by the A-1 District regulations.
  - B. Agricultural, truck gardening and nurseries, and the usual accessory buildings; but not including commercial livestock feed lots or poultry farms.
- 2. Permitted Accessory Uses. The permitted accessory uses in the A-2 District shall be limited to the accessory uses permitted in and as regulated by the A-1 District regulations.
- 3. Conditional Uses. Conditional uses in the A-2 District may be authorized by conditional use permit granted by the Board of Adjustment in accordance with all of the terms and regulations set forth in Section 45.09.3 of the A-1 District regulations. All applications for conditional use permits in the A-2 District shall be submitted to the Conservation Department for environmental review. The Conservation Department shall submit its report and recommendations to the Planning and Zoning Commission and the Board of Adjustment prior to their public hearings on the application.
- 4. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 45.27.
  - A. Lot Area, Lot Width, Front Yard, Side Yard, Rear Yard, Maximum Height, and Maximum Number of Stories: The same as in the A-1 District.
- 5. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sections 45.24 and 45.25.
- 6. Conservation Department Review. All proposed zoning changes, amendments, variances, plats and subdivisions shall be reviewed by the Conservation Department through an environmental review procedure, and the report and recommendations of the Conservation Department shall be submitted to the appropriate authorities prior to their approval of the proposal.
- 7. General Guidelines for Development. Development shall conform to the following guidelines, to the greatest extent feasible. These are listed in order of greatest priority, as it is recognized that some may conflict with others on any given site. To the greatest extent feasible, development shall be undertaken:
  - A. On the most suitable soils for sub-surface septic disposal (in areas without sewer only);
  - B. On the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for such agricultural use;
  - C. Within any woodland contained in the parcel, or along the far edges of the open fields adjacent to any woodland (to reduce impact upon agriculture, to

provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features);

D. In such a manner that the common boundary between the new house-lots and the preserved farmland is minimized in length (to reduce potential conflict situations);

E. In locations least likely to block or interrupt scenic vistas, as seen from public roadway(s);

F. In locations where the greatest number of units could be designed to take maximum advantage of solar heating opportunities; and

G. Development shall conform to such other criteria as may be determined by the Environmental Review or Concept Plan.

#### 45.11 RE-1 DISTRICT REGULATIONS (Suburban Estate District).

Statement of Intent. The RE-1 District is intended and designed to provide for large lot, low density single family development. Provisions for equestrian estates are also made.

1. Principal Permitted Uses. Only the following uses of structures or land shall be permitted in the RE-1 District:

A. Single-family dwellings, including manufactured homes, but not including mobiles homes unless they have been converted to real property and installed on a permanent foundation, have had any wheels or axles removed, and are taxed as a site-built dwelling.

B. Churches, chapels, temples, and similar places of worship.

C. Public and parochial schools, elementary and secondary, and colleges and universities.

D. Publicly owned parks, playgrounds, golf courses, and recreation areas.

E. Agricultural uses, nurseries and truck gardens; but not including feeding or raising of livestock or poultry, except as specifically provided in the regulations for this District; provided that no offensive odors or dust are created, and provided further, that no retail sales shall be permitted on the premises.

F. Elder family homes, provided that any new elder family home shall not be located closer than 1,000 feet from an existing elder family home.

G. Elder group homes provided that any new elder group home shall not be located closer than 1,000 feet from an existing elder group home.

H. Family homes, provided that any new family home shall not be located closer than 1,000 feet from an existing family home.

2. Permitted Accessory Uses.

A. Uses of land or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

B. Private garage or carport.

C. Home occupation.

D. Temporary building for uses incidental to construction work, provided that such buildings shall be removed upon the completion or abandonment of the construction work.

E. Raising of horses solely for the personal use and enjoyment of the owners or occupants of the subject property, and not for the purpose of selling such animals or products therefrom for a profit in the marketplace.

3. Conditional Uses. The raising of beef and dairy cattle, poultry, sheep, and swine solely for the personal use and enjoyment of the owners or occupants of the subject property may be authorized by conditional use permit granted by the Board of Adjustment in accordance with all of the following terms and regulations:

A. Conditions To Authorization. In granting any conditional use permit, the Board of Adjustment may prescribe such restrictions and conditions with respect to the permitted use as the Board deems reasonable to further the objectives of this Ordinance. No conditional use permit shall be granted by the Board of Adjustment unless the Board first finds all of the following conditions to exist:

(a) Surrounding Area. The value and qualities of the area (or neighborhood) surrounding the conditional use are not substantially injured, and the establishment of a conditional use will not impede the normal and orderly development and improvement of surrounding undeveloped property for uses predominant in the area.

(b) Intent of Ordinance. The conditional use is consistent with the intent and purpose of this Ordinance to promote public health, safety, and general welfare.

(c) Nuisance Factors. Reasonable measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance and so that no disturbance to neighboring properties will result. The Board may specify

that certain measures be taken as a requirement of the conditional use permit. The terms of the conditional use permit shall specify any such required measures.

(d) Time. The Board shall determine whether or not the conditional use permit shall be limited to a certain defined time period. The terms of the conditional use permit shall specify any such limitation.

B. Application. An application for a conditional use permit shall be filed with the Planning and Development Office on a form provided for that purpose. The application shall be accompanied by such plans, information, elevations and site plans as required by the Board of Adjustment or the Director of Planning and Development. The applicant shall pay a filing fee according to the Schedule of Fees: Dallas County Zoning Ordinance, which is on file in the Office of the Director of Planning and Development. An application for a conditional use permit shall be deemed filed upon receipt of the application by the Office of Planning and Development.

C. Hearing Procedures. Each application for a conditional use permit shall first be considered at least one public hearing before the Board of Adjustment. The Board shall fix a reasonable time for a public hearing on the application, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the public hearing, any party may appear in person or by agent or attorney.

D. Decision. After public hearing, the Board of Adjustment shall render a decision on the application. Sections 45.29.5 and 45.30 of this Ordinance shall govern the voting and decision-making procedures of the Board, as well as appeals from decisions of the Board. Except as specifically provided in a decision by the Board to grant a conditional use permit, the conditional use shall conform to all applicable regulations of this District. A conditional use permit shall run with the land and shall be binding upon the affected property until officially amended.

E. Amendment To Approved Conditional Use. The Director of Planning and Development may approve minor amendments to a conditional use permit in keeping with the intent of the original approval, or refer the amendment to the Board of Adjustment to be considered at its next regularly scheduled meeting. The process does not require a public hearing unless the Board of Adjustment finds the requested amendment to be a significant change to the intent of the original approval, in which case the Board of Adjustment shall require that a new application be submitted and processed in the same fashion as the original application for conditional use permit.

F. Reversion. If an approved conditional use is not initiated within one (1) year of issuance of a conditional use permit, or if an approved conditional use is

discontinued or abandoned for a continuous period of one (1) year, then the right to maintain or continue the conditional use shall terminate by operation of law without any further action by the Board of Adjustment.

4. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Section 45.27.

A. Lot Area: Dwellings, schools, colleges and universities, churches, chapels, and temples, private recreation centers, and similar uses: Three (3) acres (which may include road easements). In addition to the foregoing three-acre requirement, there shall be at least one (1) acre for each horse. No minimum required for other permitted uses.

B. Lot Width: 150 feet.

C. Front Yard: 50 feet.

D. Side Yards: Dwellings: Total side yard--50 feet, minimum on one side--25 feet. Other permitted uses: 50 feet on each side, except for accessory non-agricultural buildings, which must have a fifteen (15) foot setback.

E. Rear Yard: 50 feet, except for accessory non-agricultural buildings, which must have a fifteen (15) foot setback.

F. Maximum Height: 35 feet.

G. Maximum Number of Stories: No limitation.

5. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sections 45.24 and 45.25.

#### 45.12 R-1 DISTRICT REGULATIONS (Suburban Residential District).

Statement of Intent. The R-1 District is intended and designed to provide for certain low density residential areas of the County now developed with single family dwellings, and areas where similar residential development is desired. It is further intended that rural non-farm single family development be guided to lower quality agricultural land in order to preserve and protect high quality agricultural land for the future.

1. Principal Permitted Uses. Only the following uses of structures or land shall be permitted in the R-1 District:

A. Single-family dwellings, including manufactured homes, but not including mobiles homes unless they have been converted to real property and installed on a permanent foundation, have had any wheels or axles removed, and are taxed as a site-built dwelling.

B. Churches, chapels, temples, and similar places of worship; provided that all principal buildings be set back a minimum of thirty-five (35) feet from all property lines.

C. Public and parochial schools, elementary and secondary, and other educational institutions having an established current curriculum the same as ordinarily given in the Dallas County public schools; provided that all principal buildings be set back a minimum of thirty-five (35) feet from all property lines.

D. Publicly owned parks, playgrounds, golf courses, and recreation areas.

E. Agricultural uses, including nurseries and truck gardens; but not including feeding or raising of livestock or poultry; provided that no offensive odors or dust are created, and provided further, that no retail sales shall be permitted on the premises.

F. Elder family homes, provided that any new elder family home shall not be located closer than 1,000 feet from an existing elder family home.

G. Elder group homes provided that any new elder group home shall not be located closer than 1,000 feet from an existing elder group home.

H. Family homes, provided that any new family home shall not be located closer than 1,000 feet from an existing family home.

2. Permitted Accessory Uses.

A. Uses of land or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

B. Private garage or carport.

C. Home occupation.

D. Beauty and barber shops; subject to the requirements set forth in number 3, above.

E. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed three (3) per building.

F. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

G. Temporary use of a dwelling structure within a new subdivision as a job office and real estate office for the subject subdivision, which use shall terminate upon completion or abandonment of the project.

H. Day nurseries and nursery schools.

I. Private stable, provided that any structure shall be located at least two hundred (200) feet from all boundary lines of the property on which located.

J. Accessory building as per Section 45.07.3, General Regulations.

3. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 45.27.

A. Lot Area: 20,000 square feet when common water and sewer systems are present, two acres if no common water and sewer systems exist, and one and one-half (1.5) acres if only a common water system exists, unless a one (1) acre lot size minimum is justified by an approved concept plan and a soil engineering study.

B. Lot Width: 100 feet.

C. Front Yard: 50 feet.

D. Side Yards: Total side yard--24 feet, minimum on one side--12 feet. Churches and schools--35 feet on each side.

E. Rear Yard: 50 feet.

F. Maximum Height: Principal Building--35 feet, Accessory building--20 feet.

G. Maximum Number of Stories: Principal building--3 stories. Accessory building--1 story.

4. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sections 45.24 and 45.25.

#### 45.13 R-2 DISTRICT REGULATIONS (One and Two-Family Residential District).

Statement of Intent. The R-2 District is intended and designed to provide for certain medium density residential areas of the County now developed with one-family and two-family dwellings, and areas where similar residential development is desired.

1. Principal Permitted Uses. Only the following uses of structures or land shall be permitted in the R-2 District:



- A. Any use permitted in and as regulated by the R-1 District regulations.
  - B. Two-family dwellings.
2. Permitted Accessory Uses. The permitted accessory uses in the R-2 District shall be limited to the accessory uses permitted in and as regulated by the R-1 District regulations.
3. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 45.27.
- A. Lot Area: 12,000 square feet when common water and sewer systems are present, and two (2) acres when no common water and sewer systems are present.
  - B. Lot Width: 80 feet.
  - C. Front Yard: 35 feet from a private road right-of-way; 50 feet from a public roadway right-of-way.
  - D. Side Yards: 1 and 1 1/2 stories: total side yard--20 feet, minimum on one side--10 feet. 2 and 3 stories: total side yard--24 feet, minimum on one side--12 feet. Churches and schools--35 feet on each side.
  - E. Rear Yard: 40 feet.
  - F. Maximum Height: Principal building--35 feet. Accessory building--20 feet.
  - G. Maximum Number of Stories: Principal building--3 stories. Accessory building--1 story.
4. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sections 45.24 and 45.25.

#### 45.14 R-3 DISTRICT REGULATIONS (Multiple Residential District).

Statement of Intent. The R-3 District is intended and designed to provide for high density residential development of certain areas of the County that may be required in the future. It is intended that the R-3 District shall only be permitted when common water and sewer systems are provided.

1. Principal Permitted Uses. Only the following uses of structures or land shall be permitted in the R-3 District:
- A. Any use permitted in and as regulated by the R-2 District regulations.

- B. Multiple dwellings, including row dwellings and condominium dwellings.
  - C. Boarding and rooming houses.
  - D. Institutions of a religious, educational, or philanthropic nature, including libraries and hospitals.
  - E. Nursing, convalescent and retirement homes.
  - F. Private clubs, lodges, or veterans organizations, excepting those holding a beer permit or liquor license.
2. Permitted Accessory Uses. The permitted accessory uses in the R-3 District shall be limited to the accessory uses permitted in and as regulated by the R-2 District regulations.
3. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 45.27.
- A. Lot Area: One-family dwelling--7,500 square feet. Two-family dwelling--8,000 square feet. Multiple family or other permitted use--12,000 square feet.
  - B. Lot Area per Dwelling Unit: Row Housing and Multiple Dwellings--3,000 square feet.
  - C. Lot Width: One-family dwelling--60 feet. Two-family dwelling--65 feet. Row Housing units--25 feet. Multiple family dwelling and other permitted uses--80 feet.
  - D. Front Yard: 35 feet from a private road right-of-way; 50 feet from a public roadway right-of-way.
  - F. Side Yards: 1 and 1-1/2 stories: total side yard--15 feet, minimum on one side--7 feet. 2 and 2-1/2 stories: total side yard-- 17 feet, minimum on one side--8 feet. 3 stories or more up to 45 feet: total side yard--25 feet, minimum on one side--10 feet. Structures above 45 feet--see height regulations below.
  - G. Rear Yard: 40 feet.
  - H. Maximum Height: Principal building--45 feet, except that for each one (1) foot that the building or a portion of its sets back beyond the required front, side, and rear yards, one (1) foot may be added to the height limit of such building or portion thereof. Accessory building--20 feet.

I. Maximum Number of Stories: Principal building--no limitation.  
Accessory building--1 story.

4. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sections 45.24 and 45.25.

#### 45.15 PUD DISTRICT REGULATIONS (Planned Unit Development District).

Statement of Intent. The PUD District is intended and designed to provide a district in which a variety of housing types and unit densities and related commercial uses may be developed under unified control; to maximize open space; to provide, through the use of a development plan, an improvement to the integration of the neighborhood environment beyond that which would otherwise be created by normal zoning practices; and to provide a greater flexibility in development of land. It is further intended to achieve economy in land development, maintenance, street systems, and utility networks while providing buildings groupings for privacy, usable and attractive open spaces, safe circulation, and the general well-being of the inhabitants.

1. Principal Permitted Uses. Only the following uses of structures or land shall be permitted in the PUD District:

A. Single-family dwellings, including manufactured homes, but not including mobiles homes unless they have been converted to real property and installed on a permanent foundation, have had any wheels or axles removed, and are taxed as a site-built dwelling.

B. Apartments.

C. Public or private park or recreation area which may include a golf course, swimming pool, tennis court, ski slope, toboggan run, ice skating rink, and other similar recreational uses, but which may not include any use of activity which produces noise, glare, odor, air pollution, fire hazards, or other safety hazards, smoke, fumes, or other things detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.

D. Public and parochial schools, elementary and secondary, and colleges and universities.

E. Churches, chapels, temples, and similar places of worship.

F. Art gallery or professional office building.

G. Theater for stage productions or films, but not a drive-in theater.

H. Studio of artist, sculptor, musician, or photographer, but no goods or objects shall be sold or publicly displayed on the premises.

I. Motel or hotel with customarily accessory retail, dining, and service facilities.

J. Restaurant.

K. Elder family homes, provided that any new elder family home shall not be located closer than 1,000 feet from an existing elder family home.

L. Elder group homes provided that any new elder group home shall not be located closer than 1,000 feet from an existing elder group home.

M. Family homes, provided that any new family home shall not be located closer than 1,000 feet from an existing family home.

2. Permitted Accessory Uses.

A. Uses of land or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

3. Concept Plan Required. A concept plan, as defined in Section 45.21 of this ordinance, is required with the submittal of any application for a Planned Unit Development.

4. Minimum Parcel Size. A minimum of 60 contiguous acres shall be required for a Planned Unit Development. The Planning and Zoning Commission may increase or decrease the 60 acre minimum land area, if it deems such change necessary to fulfill the purpose and intent of this Section.

5. Requirements Regarding Tract.

A. The developer shall provide within the planned unit development a sanitary sewage disposal system which shall be of sufficient size and design to collect and dispose of all sewage from all present and probable structures in the planned unit.

B. The developer shall provide within the planned unit development a storm drainage system which shall be of sufficient size and design as will in the opinion of the County Engineer collect, carry off, and dispose of all predictable surface water run-off within the development.

C. The developer shall provide within the planned unit development a potable water system which shall be of sufficient size and design to supply potable water to each of the structures to be erected in the development. The developer shall also provide a fire hydrant within six hundred (600) feet of each structure.

5. Density and Design Standards.

A. Area limitations for various uses. Within a planned unit development, the following percentages of the total land area shall be devoted to the specified uses:

(a) A minimum of twenty percent (20%) for open air recreational uses and other usable open space. Usable open space shall be defined as an open area designed and developed for use by the occupants of the development or by others for recreation (whether commercial, private, or public) courts, gardens, or household service activities such as clothes drying, which space is effectively separated from automobile traffic and parking and is readily accessible; the term shall not include space devoted to streets and parking.

(b) A maximum of eighty percent (80%) for residential use; land devoted to residential use shall be deemed to include those streets, alleys, parking areas, private open spaces and courts which abut and service primarily residences or groups of residences, but it shall not include usable open space which is available for use by the general public or by persons who do not live in the residences or groups or residences immediately adjacent to it.

(c) A maximum of twenty percent (20%) for theater, motel, hotel, lodge, restaurant, enclosed recreational use, art gallery, professional office, and parking associated with these uses.

(d) Under no circumstances shall the minimum of twenty (20%) percent for open-air recreational uses and other usable open space required in a. above be reduced to less than twenty (20%) percent.

B. Residential Density. The density of residences shall not exceed ten (10) units per acre of land within the development which is devoted to residential use, as defined in 1. a. above, and usable open space.

C. Lot Size, Etc. There shall be no minimum lot size, no minimum setbacks, no minimum percentage of lot coverage, and no minimum lot width. However, every single family dwelling shall have access to a public street, court, walkway, or other area dedicated to public use. No structure and no group of structures (such as semi-detached dwellings or a row of town houses) shall be erected within twenty-four (24) feet of any other structure or group of structures.

D. Height. The height of any residential structure within a planned unit development shall not exceed thirty-five (35) feet, and the height of other structures (except churches) shall not exceed forty-five (45) feet.

E. Length. There shall be no continuous structure of town houses, attached dwellings, or apartments containing more than twelve (12) dwelling units.

F. Location of Structures. The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.

G. Protection of Open Spaces. Open spaces between structures, including those spaces being used as public or private recreational areas, shall be protected by adequate covenants running with the land or by conveyances or dedications.

H. Roads and Parking Areas. The dimensions and construction of roads, alleys, and parking areas within the development shall conform with all applicable County ordinances and regulations.

#### 45.16 C-1 DISTRICT REGULATIONS (General Commercial District).

Statement of Intent. The C-1 District is intended and designed to provide for the normal commercial uses required to serve families living in the various areas of the county, located so as to be easily accessible within minimum distances of homes which can economically support such uses. The establishments allowed cater to the day-to-day needs of the families residing nearby. This district will normally be used for new, small, or existing commercial uses where the planned district is not appropriate.

1. Principal Permitted Uses. Only the following uses of structures or land shall be permitted in the C-1 District:

A. Any use permitted in and as regulated by the R-3 District regulations, except that no residential uses are permitted.

B. Retail business, service establishments, or recreational uses such as the following:

(a) Antique shops.

(b) Art shops.

(c) Book, flower, and gift shops.

(d) Billboards, as defined in 45.26.14C., provided that, if required, a permit for the construction thereof shall have been issued by the Iowa Department of Transportation.

(e) Confectionery stores, dairy stores, including ice cream or snack bars, but not to include drive-ins.

(f) Grocery stores.

- (g) Laundromats, coin-operated dry cleaning establishments.
- (h) Restaurants, but not including drive-ins.
- (i) Taverns.
- (j) Mini-warehouse.
- (k) Dance academy, fitness club, health club, exercise club, and the like.

C. Telecommunications towers and antenna, subject to the following requirements. No free-standing telecommunications tower shall exceed a height of 180 feet. Telecommunications antennas erected on existing structures other than telecommunications towers shall not exceed one-third of the height of the existing structure, and the total height of the existing structure and the antenna shall not exceed 180 feet. All telecommunications towers and antenna shall comply with all of the requirements and regulations of Section 45.07.16. The foregoing height limitations for telecommunications towers and antenna shall override the general maximum height limitation set forth in the regulations for this District.

2. Permitted Accessory Uses. Uses of land or structures customarily incidental and subordinate to any one of the principal uses, unless otherwise excluded. Residences, provided they are clearly subordinate to a principal permitted use.

3. Conditional Uses. Adult uses may be authorized by conditional use permit granted by the Board of Adjustment in accordance with all of the terms and regulations set forth in subsections C, D, E, F, G and H of Section 45.09.3 of the A-1 District regulations. Additionally, adult uses must satisfy the following requirements:

- (a) An adult use shall not be located within one thousand (1,000) feet of another adult use, nor shall an adult use be located within one thousand (1,000) feet of any public or parochial school, licensed day care facility, church, public park, residential or PUD district, or any dwelling (single-family, two-family or multiple dwelling).
- (b) Measurement of the one thousand (1,000) foot distance shall be taken on a direct line from the nearest point on the property line of the adult use to the nearest point on the property line of the land upon which the other adult use, school, licensed day care facility, church, public park or dwelling is located, or from the nearest point on the district boundary of the residential or PUD district.
- (c) All building, openings, entries, windows, etc., shall be covered or screened in such a manner as to prevent a view into the interior from any

public or semi-public area. Advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks, walkways, or from other public, or semi-public areas.

4. Bulk Regulations. The following minimum requirements shall be observed in the C-1 District.

- A. Lot Area: No minimum requirements.
- B. Lot Width: No minimum requirements.
- C. Front Yard: Fifty (50) feet.
- D. Side Yards: No minimum requirement, except when adjoining any residential district or use, in which case, fifteen (15) feet shall be required. When adjoining a street or road right-of-way, forty (40) feet shall be required.
- E. Rear Yard: Forty (40) feet.
- F. Maximum Height: Same as specified in the R-3 District.

5. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with Section 45.24 and 45.25.

#### 45.17 C-2 DISTRICT REGULATIONS (Highway Service and Agriculture Related Commercial District).

Statement of Intent. The C-2 District is intended and designed to accommodate auto-oriented commercial establishments and establishments intended to serve agricultural interests. Both types of uses require large spaces for parking and maneuvering vehicles and for displaying products. No new residences shall be permitted in this district, except for quarters for night watchmen and caretakers.

1. Principal Permitted Uses. Only the following uses of structures or land listed in this section shall be permitted in the C-2 District:

- A. Any use permitted in and as regulated by the R-3 District regulations, except that no residential uses are permitted.
- B. Retail businesses, service establishments, or recreational uses such as the following:
  - (a) Animal hospitals, veterinary clinics.



- (b) Automobile, mobile home, motorcycle, snowmobile, boat, and farm implement establishments for display, hire, rental, and sales (including sales lots); including as incidental to these major uses all repair work in connection with company or customer vehicles.
- (c) Automobile accessory stores.
- (d) Billboards, as defined in 45.26.14C., provided that, if required, a permit for the construction thereof shall have been issued by the Iowa Department of Transportation.
- (e) Bowling alleys.
- (f) Carwashes.
- (g) Commercial swimming pools, skating rinks, golf driving ranges, miniature golf courses, and similar recreational uses and facilities.
- (h) Gas stations and garages for general motor vehicle repair including body and fender work, but not including automobile, tractor, or machinery wrecking and used parts yards.
- (i) Motels.
- (j) Lumber yards.
- (k) Monument sales yards.
- (l) Public auction facilities and sale barns.
- (m) Restaurants, (including drive-in restaurants, taverns, bars, and nightclubs and retail establishments that sell beer, wine and liquor).
- (n) Theaters, including drive-in theaters.
- (o) Nurseries and greenhouses.
- (p) Livestock feed and grain sales, providing dust is effectively controlled.
- (q) Fertilizer and agricultural chemical and seed sales.
- (r) Mini-warehouse.
- (s) Broadcasting and telecasting stations, studios and offices.

C. Telecommunications towers and antenna, subject to the following requirements. No free-standing telecommunications tower shall exceed a height of 180 feet. Telecommunications antennas erected on existing structures other than telecommunications towers shall not exceed one-third of the height of the existing structure, and the total height of the existing structure and the antenna shall not exceed 180 feet. All telecommunications towers and antenna shall comply with all of the requirements and regulations of Section 45.07.16. The foregoing height limitations for telecommunications towers and antenna shall override the general maximum height limitation set forth in the regulations for this District.

2. Permitted Accessory Uses. The permitted accessory uses in the C-2 District shall be limited to the accessory uses permitted in and as regulated by the C-1 District regulations.

3. Bulk Requirements. Lot area, width, yard, and height requirements shall be the same as specified in and as regulated by the C-1 District regulations.

4. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sections 45.24 and 45.25.

#### 45.18 PC/OD DISTRICT REGULATIONS (Planned Commercial/Office District).

Statement of Intent. The Planned Commercial/Office District is intended to provide for the establishment of office park and mixed office/commercial developments designed as single units under unified control.

1. Principal Permitted Uses. Only the following uses of structures or land listed in this section shall be permitted in the PC/OD District:

- A. General offices, such as dental or other medical services, financial counseling, etc.
- B. Insurance corporations.
- C. Corporate headquarters.
- D. Laboratories.
- E. Research facilities.
- F. Professional offices.
- G. Private health clubs.

H. Day care centers. Day care centers shall provide the minimum square footage of indoor and outdoor space per person that complies with any State of Iowa minimum square footage requirements.

I. Retail sales and services, especially smaller shops catering to the office users, such as restaurants and gift shops.

J. Banks and similar financial institutions.

K. Barber and beauty shops.

L. Veterinary clinics.

M. Residences located above the ground floor.

N. Health clinics and similar health facilities.

O. Telecommunications towers and antenna, subject to the following requirements. No free-standing telecommunications tower shall exceed a height of 180 feet. Telecommunications antennas erected on existing structures other than telecommunications towers shall not exceed one-third of the height of the existing structure, and the total height of the existing structure and the antenna shall not exceed 180 feet. All telecommunications towers and antenna shall comply with all of the requirements and regulations of Section 45.07.16. The foregoing height limitations for telecommunications towers and antenna shall override the general maximum height limitation set forth in the regulations for this District.

2. Permitted Accessory Uses. Accessory uses and structures customarily incidental and subordinate to any one of the principal permitted uses, unless otherwise excluded.

3. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sections 45.24 and 45.25.

4. Minimum Lot Size. A minimum lot size of five (5) acres is required in the Planned Office/Commercial Park District.

5. Concept Plan Required. A concept plan, as defined in Section 45.21 of this Ordinance, is required with the submittal of any application for a Planned Commercial/Office Park.

#### 45.19 I-1 DISTRICT REGULATIONS (Light Industrial District).

Statement of Intent. The I-1 District is intended and designed to accommodate light manufacturing, processing, and storage, and accessory activities which are generally characterized by a minimum of obnoxious characteristics which might adversely affect the surrounding development. These uses are not normally located in the unincorporated areas of

the county, and this District should be located only in sound industrial locations with direct access to highways and other needed transportation facilities and utilities.

1. Principal Permitted Uses. Only the following uses of structures or land listed in this section shall be permitted in the I-1 District:

- A. Any use permitted in and as regulated by the C-2 District regulations.
- B. Carpet and rug cleaning, provided that necessary equipment is installed and operated for the effective precipitation or recovery of dust.
- C. Blacksmith, welding, or other metal working shops, excluding drop hammers and the like.
- D. Carting, express, hauling, truck terminal, and storage yards.
- E. Contractor's equipment storage yard, rental of equipment to contractors, storage yard for delivery vehicles.
- F. Creamery, bottling works, ice cream manufacturing (wholesale), ice manufacturing, and cold storage.
- G. Bakeries, other than those whose products are sold at retail only on the premises.
- H. Enameling, lacquering, and japanning.
- I. Foundry, casting lightweight nonferrous metals or electric foundry not causing noxious fumes or odors.
- J. Laboratories; experimental, film, or testing.
- K. Manufacture or assembly of electrical appliances, instruments, and devices.
- L. Manufacture of pottery or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
- M. Manufacture and repair of electrical signs, advertising structures, light sheet metal products, including heating and ventilating equipment.
- N. Machine shops.
- O. Manufacture, compounding, processing, packaging, or treatment of cosmetics, pharmaceutical, and food products, except fish and meat products, cereals, sauerkraut, vinegar, yeast, stock feed, flour, and rendering or refining of fats and oils.

P. Manufacture, compounding, packaging, or treatment of articles or merchandise from previously prepared materials such as bone, cloth, cork, fiber, leather, paper, plastics, metals, or stones, tobacco, wax, yarns, and wood.

Q. Milk distributing station other than a retail business conducted on the premises.

R. Repair, rental, and servicing of any article of which the sale, warehousing, fabrication, or assembly is permitted in this District.

S. Sawmill, planing mill, including manufacture of wood products not involving chemical treatment.

T. Printing and/or publishing houses.

U. Woodworking, sheet metal, plumbing, and sign painting shops.

V. Wholesale storage and warehouse establishments.

W. Billboards, as defined in 45.26.14C., provided that, if required, a permit for the construction thereof shall have been issued by the Iowa Department of Transportation.

X. Airports and Landing fields

2. Permitted Accessory Uses. The permitted accessory uses in the I-1 District shall be limited to the accessory uses permitted in and as regulated by the C-2 District regulations.

3. Conditional Uses. Temporary concrete and/or asphalt batch plants may be authorized by conditional use permit granted by the Board of Adjustment in accordance with all of the terms and regulations set forth in subsections B.(m), C, D, E, F, G and H of Section 45.09.3 of the A-1 District regulations.

4. Required Conditions. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, obnoxious, or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter, or water-carried waste. All facilities required for the discharge, collection, and treatment of liquid, solid, or gaseous wastes shall be designed, constructed, and operated in accordance with all statutes and regulations of the State of Iowa.

5. Bulk Requirements. Lot area, width, yard, and height requirements shall be the same as specified in and as regulated by the C-2 District regulations.

6. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sections 45.24 and 45.25 of this Ordinance.

#### 45.20 PIP DISTRICT REGULATIONS (Planned Industrial Park District).

Statement of Intent. This district is established for the purpose of providing for a limited group of industrial and manufacturing uses; the operation of which will ensure the creation and maintenance of an environment which will serve the mutual interest of the county as a whole, as well as any adjacent residential areas and the occupants of the industrial park area in particular. The PIP district may be established upon any tract of land in any industrial district held by a single owner or under unified control; provided a development plan is submitted in compliance with the provisions of this section. From the concept plan submitted, the Planning and Zoning Commission must find that the proposed planned industrial district is consistent with the development plan of the area and will not adversely affect surrounding properties.

1. Principal Permitted Uses. Only the following use of structures or land listed in this section shall be permitted in the PIP District:
  - A. Administrative and professional buildings.
  - B. Automobile assembly.
  - C. Creamery, bottling, ice manufacturing, and cold storage plant.
  - D. Manufacturing, compounding, processing, packaging, or treatment of cosmetics, pharmaceutical, and food products, except fish and meat, sauerkraut, vinegar, yeast and the rendering of fats and oils.
  - E. Manufacturing, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as bone, cloth, cork, fiber, leather, paper, plastic, metals or stones, tobacco, wax, yarns, and wood.
  - F. Manufacture of musical instruments, novelties, and molded rubber products.
  - G. Manufacture or assembly of electrical appliances instruments, and devices.
  - H. Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
  - I. Laboratories; experimental, film, or testing.
  - J. Manufacture and repair of electric signs, advertising structures, light sheet metal products; including heating and ventilating equipment.

K. Printing and/or publishing establishment.

L. Telecommunications towers and antenna, subject to the following requirements. No free-standing telecommunications tower shall exceed a height of 180 feet. Telecommunications antennas erected on existing structures other than telecommunications towers shall not exceed one-third of the height of the existing structure, and the total height of the existing structure and the antenna shall not exceed 180 feet. All telecommunications towers and antenna shall comply with all of the requirements and regulations of Section 45.07.16. The foregoing height limitations for telecommunications towers and antenna shall override the general maximum height limitation set forth in the regulations for this District.

M. Ethanol and biodiesel production facilities.

2. Permitted Accessory Uses. Accessory uses and structures customarily incidental and subordinate to any one of the principal permitted uses, unless otherwise excluded.

3. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sections 45.24 and 45.25.

4. Minimum Lot Size. A minimum lot size of twenty (20) acres is required in the Planned Industrial Park District.

5. Concept Plan Required. A concept plan, as defined in Section 45.21 of this Ordinance, is required with the submittal of any application for a Planned Industrial Park.

#### 45.20A PBP DISTRICT REGULATIONS (Planned Business Park District).

Statement of Intent. The PBP District is established for the purpose of providing for coordinated development containing commercial, industrial and manufacturing uses to facilitate orderly development and the creation of business opportunities that will serve the economic objectives of Dallas County. It is further intended that the PBP District regulations allow flexibility of standards and diversification of land uses to encourage appropriate mixed-use development; permit development of land which, because of topographical or shape problems or other practical difficulties, otherwise cannot be feasibly developed; and preserve open space and environmentally sensitive areas.

1. Establishment. A proposal for rezoning of any tract of land to PBP District classification may be initiated by the Board of Supervisors, on its own motion, or by petition to the Board of Supervisors by one or more of the owners of land in the area proposed for rezoning.

2. Master Plan. A Master Plan shall be prepared for the entire area proposed for rezoning to PBP District classification. More than one area may be rezoned to PBP District, and each such area shall have its separate and distinct Master Plan. The Master

Plan shall be prepared by the County if the rezoning is initiated by the Board of Supervisors, or by the petitioners if the rezoning is initiated by petition of owners of land in the area proposed for rezoning. The Master Plan shall contain the following information:

- A. Legal description for the entire area included in the PBP rezoning.
- B. A Land-Use Plan for the entire area included in the PBP rezoning, prepared by a licensed professional engineer or surveyor. The Land-Use Plan shall be in map and text form and shall contain the following information:
  - (a) Boundaries of the entire area included in the PBP rezoning.
  - (b) Boundaries of each parcel under single ownership including in the PBP rezoning, together with a list of the names of each owner of each such parcel.
  - (c) Location of all highways, roads, streets and other public rights-of-way within or adjoining the area included in the PBP rezoning.
  - (d) Identification of one or more Development Zones. All parcels in the PBP area shall be identified to be included in a Development Zone.
- C. Use Regulations and Standards for the area included in the PBP rezoning. The Use Regulations and Standards shall set forth a list of the Development Zones identified on the Land-Use Plan and the particular use regulations and development standards which shall apply to development within each of the individual Development Zones, or portion thereof, as applicable. Within each Development Zone, principal, accessory and conditional uses shall be identified, and appropriate standards shall be set forth regarding bulk regulations, off-street parking, architectural requirements, open-space requirements and any other standards appropriate within such Development Zone.
- D. A Utility Plan, in map form prepared by a licensed professional engineer or surveyor, showing the location of all sanitary sewer, water and gas utilities in the area included in the PBP rezoning.

3. Rezoning and Master Plan Review, Approval and Amendment Procedures. In cases where the Board of Supervisors desires to proceed with the PBP rezoning procedures, the proposed rezoning and Master Plan shall be reviewed, approved and amended under the following procedures:

- A. The proposed rezoning and Master Plan first shall be reviewed by the Project Review Committee. The Project Review Committee shall be made up of members appointed by the County Director of Planning and Development. The Committee shall include representations of the County Departments of



Engineering, Economic Development and Planning and Development, Dallas County Development, Inc., the County Planning and Zoning Commission, and any other persons as determined by the County Director of Planning and Development. The membership of the Committee may be enlarged or reconstituted from time to time in the discretion of the Director of Planning and Development.

B. The project Review Committee shall make written recommendations regarding the proposed rezoning and Master Plan, and these recommendations shall be forwarded to the Planning and Zoning Commission.

C. The Planning and Zoning Commission shall consider the proposed rezoning and Master Plan under the review, notice and hearing procedures for zoning amendments set forth in Section 45.33 of this Ordinance. The recommendations of the Planning and Zoning Commission shall be forwarded to the Board of Supervisors.

D. If the Board of Supervisors desires to proceed with consideration of the proposed rezoning and Master Plan after receipt of the recommendations of the Planning and Zoning Commission, the Board shall follow the review, notice and hearing procedures for zoning amendments set forth in Section 45.33 of this Ordinance.

E. After consideration of the proposed rezoning and Master Plan, the Board of Supervisors may proceed to approve the rezoning and Master Plan, subject to such changes and modifications as the Board may require.

F. Approval of a PBP rezoning shall be by ordinance. The ordinance shall provide that the Master Plan, and modifications thereto if applicable, is approved by the Board of Supervisors. The ordinance also shall provide that the Land-Use Plan portion of the Master Plan is adopted as an amendment to the Official Zoning Map and to the Comprehensive Plan. The ordinance also shall provide that the Use Restrictions and Standards portion of the Master Plan is adopted as an amendment to the text of the PBP District regulations of Section 45.20A of the Zoning Ordinance.

G. After approval of the PBP rezoning and Master Plan, the Master Plan may be amended, supplemented or changed under the same procedures applicable to review and approval of the original approved Master Plan.

4. Sketch Proposal. The owner of any land contained within the boundaries of a PBP District may present to the County Director of Planning and Development a Sketch Proposal for development of one or more parcels. The Sketch Proposal shall be a brief, conceptual graphic and text representation of the proposed development, delineating the approximate location and configuration of the development proposal and its location relative to the Development Zones of the District. The Sketch Proposal shall be reviewed

and approved or denied by the County Director of Planning and Development. The Sketch Proposal shall be approved by the Director if it is in conformity with all applicable legal requirements.

5. Concept Plan. If the Sketch Proposal is approved by the Director of Planning and Development, the owner may submit to the Director a Concept Plan for the proposed development. The requirements for content and review of a Concept Plan shall be those set forth in Section 45.21 of this Ordinance. The Project Review Committee shall review each Concept Plan and make written recommendations to the Director of Planning and Development. The Director shall act to approve or deny the proposed Concept Plan. The Concept Plan shall be approved by the Director if it is in conformity with all applicable legal requirements. Any approved Concept Plan may be amended, supplemented or changed under the same procedures applicable to approval of the original Concept Plan.

6. Appeals. Any person aggrieved by any decision of the Director of Planning and Development regarding review or approval of a Sketch Plan or Concept Plan shall have the right to appeal to the Board of Adjustment in accordance with Sections 45.28, 45.29 and 45.30 of this Zoning Ordinance.

#### 45.21 CONCEPT PLANS.

1. Purpose. A concept plan is used to review the impact of proposed land uses on the adjacent properties, neighborhood, road systems, and existing and planned infrastructure and to determine the need for additional dedication and design criteria. The purposes of the concept plan review include:

- A. To insure use to use compatibility between the proposed land uses and the surrounding area.
- B. To minimize potential hazardous, adverse, or objectionable effects of the proposal.
- C. To insure safe points of access and internal circulation to all future lots and adjacent properties.
- D. To insure that all subdivision requirements such as right-of-way width and utility easement dedications can be met.
- E. To insure that all zone district development standards, such as parking requirements, can be met.

2. Definition of Concept Plan. A concept plan is a graphic representation drawn to scale of the proposed development of a particular site which delineates the basic zoning and subdivision requirements including, but not limited to, the intended lot lines, general uses, ranges of square footage of the proposed uses and the general location of building and parking areas, points of access, primary internal circulation, contour lines, easements and required dedication areas for public facilities.

3. Submittal Requirements. All concept plans are subject to review and approval by the Director of Planning and Development. All concept plans submitted to the Director for review shall contain the following information:

- A. Indication of the scale and a bar scale.
- B. North arrow.
- C. Vicinity map (does not have to be drawn to scale).
- D. Existing topography at two-foot (2') contour intervals.
- E. Legal description.
- F. Location and dimensions of proposed lot lines and lot sizes.
- G. Location and uses of building areas and the ranges of dimensions and square footage.
- H. Location and dimensions of required building and landscaping setbacks.
- I. Location and dimensions of all existing utilities and proposed utility easements.
- J. Location of all floodplain boundaries.
- K. Location, use, maintenance, and ownership of existing and proposed trail easements, "No Build" areas, preservation or scenic easements, or other special purpose restrictions.
- L. Parking area, verifiable based upon building square footage.
- M. Designation and classification of any right-of-way, turning or acceleration and deceleration lanes, areas to be vacated, access points, etc. that are required.
- N. Internal site circulation and designation of public streets.
- O. Zoning and use of adjacent property.
- P. Any significant natural features, such as wetlands, woodlands, potholes, severe slope areas, and the like, and any significant cultural/historical features, such as historically or architecturally significant buildings or sites, archeological sites, and other similar natural or historical significant features.

Q. When a concept plan involves land included within the "Critical Areas" portion of the officially adopted Dallas County Conservation Board's Future Plan, the completion of a Development Impact Assessment Form is required, available from the Director of Planning and Development.

R. Proposed development phasing plan.

S. Any conditions of record established at the time of zoning.

T. Any covenants or easements permitting the use of this land by adjacent property owners or use of adjacent land by these property owners.

4. Concept Plan Review Criteria. A concept plan shall be reviewed using the criteria listed below. No concept plan shall be approved unless the plan complies with all of the requirements of this Section, is consistent with the intent and purpose of this Ordinance, and is compatible with the existing and proposed land uses surrounding the site.

A. The proposed development shall not have a detrimental effect upon the general health, welfare, and safety of persons residing or working in the neighborhood of the proposed development.

B. The proposed density and types of land uses shall permit adequate light and air both on and off the site.

C. The proposed ingress/egress points, traffic circulation, parking areas, loading and service areas, and pedestrian areas are designed to promote safety, convenience, and ease of traffic flow and pedestrian movement both on and off the site.

D. The proposed development shall not overburden the capacities of existing streets, parks, utilities, schools, and/or other public facilities.

E. The concept plan shows how any potentially detrimental use to use relationships, e.g., commercial use adjacent to single-family homes, will be mitigated. The development shall provide a gradual transition between uses of differing intensities.

F. The concept plan adequately identifies and shows the proposed treatment of significant natural, cultural, historical, architectural, and archeological features and shows how development will be accomplished so as to minimize disruption to these and promote their recognition and enhancement.

5. Procedure for Review.

A. Pre-application Conference. The Applicant is required to meet with the Director of Planning and Development prior to submittal of the application for the approval of a concept plan.

B. Submission. An application for approval of a concept plan shall be submitted to the Director of Planning and Development for review. The Director shall act within a reasonable period of time to approve or deny the application.

C. Use by Staff. The concept plan will be used by the county staff to establish the lot pattern, easements and rights-of-way, points of access, internal circulation, ranges of uses and square footage, and other conditions of record for the future development of a site.

D. Amendments to an Approved Concept Plan. A written request to amend the approved concept plan and revised plans shall be submitted for review to the Director of Planning and Development. Amendments to an approved concept plan are subject to approval by the Director under the same criteria applicable to review and approval of an original concept plan.

E. Phasing Plan. If the applicant wishes to phase the development of the concept plan, a phasing plan shall be submitted and approved with the concept plan. A phasing plan proposes a sequence of development and provisions of required public improvements. A phasing plan must be reviewed by all appropriate county departments.

6. Appeals. A decision by the Director of Planning and Development to approve or deny a concept plan shall be subject to appeal to the Board of Adjustment in accordance with Sections 45.29.1 and 45.30.

#### 45.22 BUFFER LANDSCAPE REQUIREMENTS.

1. Where a nonresidential zone which is developed for a business purpose abuts a residential zone, special buffer landscaping is required to minimize noise and sight impact of the nonresidential activities in the residential area.

2. The standard buffer landscaping shall be a landscaping strip at least five (5) feet wide, located along the residential/nonresidential boundary.

3. The Director of Planning and Development may approve an alternative landscaping plan which moves the buffer landscaping away from the residential/nonresidential boundary if he finds that:

A. Noise and sight buffering of the residential zone can be accomplished at least as well with the alternate plan.

- B. The alternate landscaping plan allows materially better use and functioning of the nonresidential premises.
  - C. The alternate landscaping plan does not result in less landscaped area than would have been required with the normal five (5) foot landscaping strip, and
  - D. There is a solid wall or fence at least six (6) feet high along all segments of the residential/nonresidential boundary which does not have the standard buffer landscaping strip.
- 4. The buffer landscaping shall consist primarily of trees or shrubs which grow at least eight (8) feet tall within eight (8) years of planting. Normally, the trees or shrubs in the landscaping strip shall be evergreen and form a largely opaque screen.
  - 5. Landscaping which dies shall be replaced by the person obligated to provide it as expeditiously as possible, but in not case longer than nine (9) months after notification.
  - 6. In those instances where nonresidential parking is adjacent to a residential zone, a six (6) foot high wall or fence shall be required, in addition to the required landscaping strip.

#### 45.23 LANDSCAPING TREATMENT REQUIRED.

- 1. Landscape Plan. Location, size, and description of all proposed and existing plant materials; existing plant materials to be removed; existing plant material to be retained; areas to be developed for buildings, parking, streets, and landscaping. Alternative plant material should also be listed in case of the unavailability of proposed plant material. The landscape plan shall be drawn to a minimum scale of one (1) inch equals (100) feet. The objectives of the landscape plan are:
  - A. To reduce adverse effects upon the subject property and adjacent or nearby property.
  - B. To screen unsightly situations, undesirable views, and incompatible land uses.
  - C. To buffer noise and other disturbing sounds.
  - D. To provide for shade, protection from elements, and the comfort and convenience of people.
  - E. To establish an aesthetic quality of character to each property development.

A statement of intent shall be included with the landscape plan to explain the methods used to implement the above objectives through the provision of plant materials and other suitable structures and features.

2. Minimum standards for plant material.
  - A. Hardiness suitable to Dallas County.
  - B. Monitoring period of three (3) growing seasons to ensure normal growth.
  - C. All dead plant material shall be replaced within the monitoring period.
  - D. Ornamental trees, measured by height, shall be a minimum of six (6) feet in height from the ground when planted.
  - E. Shade trees, measured by trunk diameter, shall be a minimum of one and one-half (1 1/2) inch caliper.

#### 45.24 OFF-STREET LOADING SPACES REQUIRED.

1. In any district, in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one (1) off-street loading space plus one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area, so used, in excess of ten thousand (10,000) square feet.
  - A. Each loading space shall be not less than twelve (12) feet in width and forty (40) feet in length.
  - B. Such space may occupy all or any part of any required yard or open space, except where adjoining an "R" District, it shall be set back ten (10) feet and effectively screen-planted.

#### 45.25 OFF-STREET PARKING AREA REQUIRED.

1. In all districts in connection with every industrial, commercial, business, trade, institutional, recreational, or dwelling use, and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule. Required off-street parking facilities shall be primarily for the parking of private passenger automobiles of occupants, patrons or employees of the principal use served.

- A. Automobile sales and service garages: fifty (50) percent of gross floor area.
- B. Banks, clinics, business and professional offices: fifty (50) percent of gross floor area, but in no case less than ten (10) spaces.
- C. Bowling alleys: five (5) spaces for each lane.
- D. Churches and schools: one (1) parking space for every eighty (80) square feet of principal auditorium, including balcony, if any. Where no auditorium is involved, one (1) parking space for each staff member.
- E. Dance halls, assembly halls: two hundred (200) percent of floor area used for dancing, or assembly.
- F. Dwelling: two (2) parking spaces for each family or dwelling unit.
- G. Funeral homes, mortuaries: one (1) parking space for each five (5) seats in the principal auditorium.
- H. Furniture and appliance stores, household equipment, or furniture repair shops: one hundred (100) percent of floor area.
- I. Hospitals: one (1) space for each five (5) beds, plus one (1) space for each three (3) employees, plus one (1) space for each two (2) staff doctors.
- J. Hotels, motels, lodging houses: one (1) space for each bedroom.
- K. Manufacturing plants: one (1) parking space for each three (3) employees on the maximum working shift, but in no case less than one (1) space for each five hundred (500) square feet of gross floor area.
- L. Nursing, convalescent and retirement homes: one (1) space per eight (8) beds, plus one (1) space per three (3) employees, plus one (1) space for each resident staff member.
- M. Restaurants, taverns and night clubs: two hundred (200) percent of gross floor area.
- N. Retail stores, shops, super markets, etc., over two thousand (2,000) square feet floor area: two hundred fifty (250) percent of gross floor area.
- O. Retail stores, shops, super markets, etc., under two thousand (2,000) square feet floor area: one hundred (100) percent of gross floor area.



P. Theaters, assembly halls with fixed seats and sports arenas: one (1) space for each five (5) seats.

Q. Wholesale establishments or warehouses: one (1) space for each two (2) employees, but in no case less than one (1) space for each one thousand (1,000) square feet of gross floor area.

2. In case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply.

3. Where a parking lot does not abut on a public or private street, road alley or easement of access, there shall be provided an access drive not less than ten (10) feet in width in case of a dwelling, and not less than twenty (20) feet in width in all other cases leading to the loading or unloading spaces and parking or storage areas required hereunder in such manner as to secure the most appropriate development of the property in question; provided, however, such easement of access or access drive shall not be located in any agricultural residence district, except where serving a permitted use in an agricultural or residence district.

4. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:

A. No part of any parking space shall be closer than five (5) feet to any established highway, road or street right-of-way line. In case the parking lot adjoins an "R" District, it shall be set back at least five (5) feet from the "R" District boundary and shall be effectively screen-planted.

B. All required off-street parking areas shall be surfaced in a manner approved by the County Engineer, so as to provide a durable and dustless surface. They shall be graded and drained to dispose of all surface water accumulation within the area, and shall be arranged and marked to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.

C. Any lighting used to illuminate any off-street parking area shall be arranged to reflect the light away from adjoining premises in any "R" District.

5. Off-street parking areas in residential districts shall be provided on the same lot with the principal use. Off-street parking and loading areas may occupy all or part of any required yard or open space, subject to the provisions of this section; except that no required off-street parking or loading areas shall be located in any required front yard in a residence district.

#### 45.26 SIGNS.

1. Purpose. The purpose of this section is to provide uniform sign standards which promote a positive county image reflecting order, harmony, and pride and therefor strengthen the economic stability of Dallas County's business, cultural, and residential areas. Objectives to be pursued in applying specific standards are as follows:

A. To identify individual business, residential, and public uses without creating confusion, unsightliness, or visual obscurity of adjacent businesses.

B. To assure that all signs in terms of size, scale, height, and location are properly related to the overall adjacent land use character and development lot size.

C. To assure that all signs, in terms of color, form, material, and design, are compatible with other structural forms on the development lots.

D. To assure that off-premise advertising is compatible with adjacent land uses and does not obscure views of adjacent on-premise signs.

E. To assure that all signs, sign supports, and sign bases shall be so constructed and designed to provide for design compatibility with the development. Where possible, the materials used, the form, color, lighting, and style should be similar to the materials used in the development.

2. General Provisions.

A. All signs shall pertain to the identification of the primary uses/and or primary services provided or primary products sold on the premises, except for billboards, auxiliary, governmental, or community service signs, as provided.

B. All signs, where applicable, shall meet the standards of the County building code.

C. Except as herein provided, no person or business firm, acting either as principal or agent, shall alter the copy face or lettering of any sign, except for signs with temporary messages made from interchangeable characters attached to tracks or grooves on the sign board, either by changing the message or by renovating an existing message or shall erect any sign or sign structure until a sign permit for such work has been issued by the building official to a bonded contractor or the owner or occupant of the premises where the work is to be done. No permit shall be required for non-illuminated signs otherwise permitted in this Ordinance.

D. Not more than two (2) sides of a sign structure may be used for display.

E. No sign, sign structure, or sign support shall project over any property or right-of-way line, except that a sign placed flat against the wall of a building,

which is on the property line, may project eighteen (18) inches over the property line.

F. Trees, rocks, bridges, fences, windmill towers, and dilapidated buildings shall not be used as sign supports.

G. All business locations shall be identified by a street address sign which is clearly visible from the street.

H. No sign shall be designed with flashing lights or moving parts.

I. Not more than twenty-five (25) percent of the area of any sign provided by an off-premise business may be devoted to advertisement of products provided by that off-premise business.

J. In the event that more than one sign-related definition applies to a non-prohibited proposed sign, resulting in conflicting regulations thereon, the sign applicant may choose the definition that is to apply, with the qualification that any regulations related to that definition must also be adopted. Where the proposed sign is of a type that is prohibited, it shall remain prohibited notwithstanding that it may also come within the definition of an approved type of sign.

K. In computing the allowable square footage of sign area, only one (1) side of a double face sign shall be considered.

3. Prohibited Signs. The following signs shall be prohibited in all districts:

A. Any signs and supports, other than those signs and supports required by governmental authority, or for which a street use license has been issued, which are located on the public right-of-way, including on public streets, alleys, and parkways. This section shall not apply to signs on commercial vehicles or commercial trailers lawfully operated or parked in such areas, except that this exception shall not otherwise be used to legitimate the use of advertising vehicles and trailers prohibited or prohibited portable or wheeled signs.

B. Signs with flashing, blinking, or traveling lights, regardless of wattage, and excepting time and temperature signs.

C. Banners, pennants, searchlights, twirling signs, sandwich or "A" frame signs, sidewalk or curb signs, balloons, or other gas filled objects (Except banners, pennants, and searchlights may be permitted for a period not to exceed sixteen (16) days for grand openings. Permits for grand openings shall be obtained from the Planning and Community Development office).

D. Flags, other than those of any nation, state, or political subdivision, or one flag which shows an emblem or logo of a firm or corporation, provided all other regulations of this section are met.

E. Any signs which resemble an official traffic sign or signal or which bears the words "Stop", "Go Slow", "Caution", "Danger", "Warning", or similar words.

F. Signs which, by reason of their size, location, movement, content, coloring, or manner of illumination, may be confused with or constructed as a traffic control sign, signal, or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign, or signal, or device.

G. Portable or wheeled signs.

H. Any sign which emits sound, odor, or visible matter, which serves as a distraction to persons within the public right-of-way.

4. Abandoned or Damaged Signs.

A. All abandoned signs and their supports shall be removed within ninety (90) days from the date of abandonment. All damaged signs shall be repaired or removed within ninety (90) days. The administrator shall have the authority to grant a time extension not exceeding an additional ninety (90) days for an abandoned, non-damaged sign.

B. Should the responsible party or parties, after due notice, fail to correct a violation of this section, the administrator shall cause such signs and their supports to be demolished and removed. If such sign cannot be demolished because it is painted on a building or other non-sign structure, such sign shall be painted over or removed by sandblasting. The administrator shall also file against the property a lien in the amount of the cost of all such work.

5. Parking of Advertising Vehicles.

A. No person shall park an advertising vehicle or trailer on a public right-of-way or on public property. Any such vehicle parked on private property, visible from the public right-of-way, shall be used on a regular basis within each business week as a means of transportation for the business that is advertised.

6. Nonconforming Signs Abatement.

A. The following signs and/or advertising items shall become nonconforming on the effective date of this Ordinance and shall be brought into compliance or removed within six (6) months of the effective date of this Ordinance.

- (a) Signs with flashing, blinking, or traveling lights, regardless of wattage, excepting time and temperature signs.
- (b) Any sign which is affixed to sign supports prohibited in Section 45.26.3.
- (c) Banners, pennants, searchlights, twirling signs, sandwich, or "A" frame signs, sidewalk or curb signs, balloons, or other gas filled objects, except as provided in Section 45.26.3.D.
- (d) Flags, other than those of any nation, state, or political subdivision, or one flag which shows an emblem or logo of a firm or corporation.
- (e) Signs which resemble an official traffic sign or signal or which bears the words "Stop", "Go Slow", "Caution", "Danger", "Warning", or similar words.
- (f) Portable or wheeled signs.
- (g) Any sign which emits sound, odor, or visible matter, which serves as a distraction to persons within the public right-of-way.
- (h) Signs which, by reason of their size, location, movement, content, coloring, or manner of illumination, may be confused with or constructed as a traffic control sign, signal, or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign, or signal, or device.
- (i) Any signs and their supports in violation of Section 45.26.3.A are hereby deemed to be in trespass on public property and shall be immediately removed by the administrator or his agent. This removal shall be done in a manner, if reasonably possible, to preserve the value of such signs and supports.

If the administrator directs an independent contractor to remove said signs and supports, the cost of such work shall be minimized by the administrator to whatever extent is reasonably possible.

The owners of any removed signs and supports, except signs made of paper or cardboard or their supports, shall be notified. The first attempt at notice shall be within three (3) days of the removal of the sign and supports. The manner of notice shall be that which will best achieve notice under the circumstances, including the use of certified mail, hand delivery, or publication. Refusal of certified mail which has been properly addressed and posted shall not void the notice. Hand delivery may be employed where the addressee is within the county and when his/her whereabouts are specifically known. Publication may be used

when the addressee of his/her whereabouts are unknown and said publication shall be done in the same manner as prescribed by the Code of Iowa for service of process by publication. Notice by publication shall be deemed sufficient regardless of its effect as actual notice.

Said notice shall inform the recipient that Dallas County is in possession of that certain sign and supports, why they were removed, and where they may be reclaimed, as well as the information contained in the remainder of this section.

With the exception of signs made of paper or cardboard and their supports which may be disposed of immediately, removed signs and supports shall be stored a period not to exceed fourteen (14) days beginning the first day of effective notice, whether actual or constructive. A storage charge of five dollars (\$5.00) per day will be levied beginning the fourth day of that fourteen (14) day period. Before the expiration of the storage period, the owner of the sign and supports may reclaim his/her property upon payment of any storage charges and the cost of removal, if such removal was done by an independent contractor. If said sign and support have not been reclaimed by the expiration of the storage period, they may be disposed of in whatever manner the administrator shall choose. If in his/her opinion the sign and supports are not capable of being sold they may be discarded, but if sold, the proceeds therefrom shall be first applied to the storage charge and removal charge, if any, and the remaining balance shall be mailed to the past owner of the sign and supports, if reasonably possible, or if not, then to the general fund of the county.

B. All signs not covered by Section 45.26.6.A which are in violation of other provisions of this Section shall become nonconforming. Said signs shall be brought into compliance by alteration or removal, by January 1, 1991, unless the height, area, location, or supports of an existing sign are altered, in which case the sign shall be brought into compliance at the time of alteration. Nothing in this section shall prevent the removal of damaged or abandoned signs under Section 45.26.4. or the termination of nonconforming uses under Section 45.26.6.

C. The abatement periods provided in Section 45.26.6.A and 6.B., immediately above, commenced upon the effective date of this Ordinance, (December, 18, 1990) and were effective as to all such defined nonconforming signs within the unincorporated portions of Dallas County on such effective date.

7. Area Classifications. All land parcels in the following zoning classifications are classified as follows:

A. Commercial. All land zoned C-1 and C-2 and commercial uses within a PUD and a Planned Commercial/Office District, is classified commercial.

B. Industrial. All land zoned I-1 and PIP (Planned Industrial Park) is classified industrial.

C. Professional. All professional office uses within a Planned Commercial/Office District is classified professional.

D. Residential. All land zoned A-1, A-2, RE-1, R-1, R-2, R-3, and PUD (Planned Unit Development) is classified residential.

8. Residential Signs. Home-based occupations may have a sign not to exceed two (2) square feet, which shall be mounted flat against the residence.

9. Professional Signs.

A. Each professional office is entitled to one sign per firm, not to exceed four (4) square feet in area or ten (10) feet in height.

B. In the event more than one firm occupies a building, then the building is entitled to one directory sign containing the names of the occupants. The dimensions of the directory sign shall be the same as the signs for individual firm, except that the directory sign shall not exceed twenty (20) square feet.

10. Industrial Signs.

A. Wall-mounted sign. Each business is entitled to signage on the front wall of its building or on any side wall which faces a public street or platted lot not containing another building. The sign on the front wall may occupy thirty (30) percent of the signable area. A sign on a side wall shall be the same size as the sign on the front wall or thirty (30) percent of the signable area of the side wall, whichever is less.

B. Ground-mounted sign. If the nearest edge of a building wall is set back from the edge of the adjacent street by thirty-five (35) feet or more and the property otherwise complies with landscaping and off-street parking requirements, a business may also have a ground-mounted sign. The maximum allowable area for each of the two faces (1) and height (2) depend on driving lanes and the controlling speed and are as follows:

<u>Speed Limit</u>	<u>2 Lanes</u>	<u>4 Lanes</u>
35 mph	(1) 42 sq. ft.	(1) 64 sq. ft.
or less	(2) 20 ft.	(2) 24 ft.
More than	(1) 64 sq. ft.	(1) 108 sq. ft.
35 mph	(2) 24 ft.	(2) 26 ft.

C. Spacing. Ground-mounted signs may be displayed only on a frontage of one hundred (100) or more and may not be closer than one hundred (100) feet to any other ground-mounted sign.

## 11. Commercial Signs.

A. Wall-mounted sign. Each business is entitled to signage on the front wall of its building and on any side wall which faces a public street or platted lot not containing another building. The area on the front wall may occupy forty (40) percent of the signable area. The area on a side wall may be the same size as the sign on the front wall or forty (40) percent of the signable area of the side wall, whichever is less.

B. Ground-mounted sign. If the nearest edge of a building wall is set back from the edge of the adjacent street by thirty-five (35) feet or more and the property otherwise complies with landscaping and off-street parking requirements, a business may also have a ground-mounted sign. The maximum allowable area for each of two faces (1) and height (2) depend on driving lanes and the controlling speed limit and are as follows:

<u>Speed limit</u>	<u>2 lanes</u>	<u>4 lanes</u>
35 mph or less	(1) 42 sq. ft. (2) 20 ft.	(1) 64 sq. ft. (2) 24 ft.
More than 35 mph	(1) 64 sq. ft. (2) 24 ft.	(1) 108 sq. ft. (2) 26 ft.

Except that, a ground-mounted commercial sign may, if conditions for visibility warrant, be extended above this limit to a maximum of one hundred (100) feet in height when located adjacent to a limited access highway. The exact height above the above-stated limit shall be determined by the Director of Planning and Development, based upon field investigations to determine line-of-sight visibility.

C. Spacing. Ground-mounted signs may be displayed only on a frontage of seventy-five (75) feet or more and may not be closer than seventy-five (75) feet to any other ground-mounted sign.

D. Right-angle sign. A business located on a street with a speed limit of no more than thirty-five (35) miles per hour and public sidewalk may display one right-angle sign for each street faced. The sign must also:

- (a) Clear the sidewalk by at least eight (8) feet and project no more than five (5) feet from the building or one half the width of the sidewalk, whichever is less;
- (b) Project from the wall at an angle of ninety (90) degrees;
- (c) Not be higher than the window-sill of the second story;



- (d) Not project at the corner of the building except at a building front;
- (e) Not be displayed closer than thirty (30) feet from any other right angle sign; and
- (f) Not be used if the business has a ground-mounted sign on the same frontage.

E. Permanent window signs. Permanent window signs may not occupy more than twenty-five (25) percent of the total area of the window in which they are displayed. This area will be subtracted from the signable area of the wall-mounted sign on the same frontage.

F. Temporary window signs. Temporary window signs may be displayed in addition to all other signs and should occupy no more than fifteen (15) percent of the total area of the window in which they are displayed.

12. Signs Allowed without Regard to Area Classification. These signs are utilized for activities which occur in all areas of the county.

A. Temporary Signs for the Sale or Development of Property.

(a) Subdivision development sign. These signs are permitted to identify subdivisions where an active building and development program is underway. Such signs shall be non-illuminated wall or ground-mounted and shall be permitted on a temporary basis for a maximum period of two (2) years or when seventy-five (75) percent of the lots of the subdivision have been conveyed or after residences have been erected at seventy-five (75) percent of the lots, whichever is the shorter time period. These signs shall not exceed thirty-two (32) square feet in area or exceed ten (10) feet in overall height and shall not be closer than fifteen (15) feet to any side property line.

(b) On-site development sign. Those identifying the developer, architect, contractor, etc., on property where a building is actively under construction. Such signs shall be permitted on a temporary basis and shall not be erected more than sixty (60) days prior to the beginning of actual construction and shall be removed when construction is completed. One non-illuminated wall or ground-mounted sign not exceeding twenty (20) square feet in area or ten (10) feet in overall height may be erected no closer than fifteen (15) feet to any side property line.

(c) Real estate signs. Those signs indicating the owner's desire to sell or rent the property, either personally or through an agent. No sign permitted by this section shall be closer than fifteen (15) feet to any side property line. The sign shall be removed after the property has been sold

and title has passed, or after an agreement to rent the property has been achieved.

(1) For sale of residences, there shall be permitted one on-site non-illuminated wall or ground-mounted sign not exceeding four (4) square feet in area and four (4) feet in height.

(2) For sale of acreage and commercial properties, one on-site non-illuminated wall or ground-mounted sign not exceeding twelve (12) square feet in area and not more than four (4) feet in overall height shall be permitted.

B. Apartments and condominiums. These signs may not advertise and can only identify the development and indicate availability of apartments. One wall or ground-mounted sign not exceeding thirty-two (32) square feet in area or ten (10) feet in overall height may be erected for each street faced.

C. Church signs. One wall or ground-mounted sign not exceeding ten (10) feet in overall height may be utilized per street faced. Sign area may not exceed fifty-four (54) square feet when facing a street with a speed limit of thirty-five miles per hour or less and may not exceed seventy-two (72) square feet when facing a street with a speed limit exceeding thirty-five (35) miles per hour.

D. Election signs. Signs advocating a political candidate or other ballot issues are permitted; without the necessity of obtaining a permit, in accord with the Code of Iowa.

13. Enforcement: Rights and Duties of Enforcing Official. The Director of Planning and Development or his designated agent shall be the enforcing official. The enforcing official is authorized and directed to lawfully enter all premises at reasonable times to determine whether a sign complies with the provisions of this section. If a violation exists, the enforcing official shall send written notice to the occupant and owner shown on the most recent tax roll and to the holder of the certificate of occupancy if different from both the occupant or owner. Service of the notice shall be deemed complete if mailed to the owner at the address appearing on the most recent tax roll. If this section is not complied with within a reasonable time specified in the notice, the enforcing official is authorized to remove the sign at the owner's expense.

14. Definitions. For the purpose of this Ordinance, certain terms and words are hereby defined.

A. Sign: Any words, numbers, figures, devices, designs, trademarks, or other symbols, which attract attention to or make known such things as an individual, firm, profession, business, commodity, or service, and which are visible from any public street. This definition of "sign" shall include any structure designed to be

used for said display. For the purpose of removal "sign" shall also include sign supports.

B. Sign, abandoned: A sign which no longer serves to advertise a bona fide business conducted, service performed, or product sold.

C. Sign, billboard: An off-premises sign usually placed on a free-standing structure which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than upon the same lot where such sign is displayed and included signs which are made available to national and local advertised for commercial, political, and social messages.

D. Sign, advertising vehicle or trailer: Any vehicle or trailer which has as its basic purpose the advertisement of products or direction of people to a business or activity, whether located on or off-premise.

E. Sign area: The area of any freestanding sign or billboard shall be the sum of the areas enclosed by the minimum imaginary rectangles, triangles, or circles which fully contain all extremities of the sign, including the frame but excluding any supports. Sign area for all other signs shall be the sum of the areas of the minimum imaginary rectangles, triangles, or circles which fully contain all words, numbers, figures, devices, designs, or trademarks by which anything is made known.

F. Sign, auxiliary: Any sign indicating general information, such as pricing, trading stamps, credit cards, official notices or services required by law, trade associations, and signs giving directions to offices, rest rooms, exits, and like facilities.

G. Sign, canopy: Any sign affixed to a canopy.

H. Sign, community service: Any sign which solicits support for or advertises nonprofit community use, public use, or social institution. Such signs may include, but shall not be limited to, seasonal holidays, such as Christmas, Easter, school activities, charitable programs, or religious activities.

I. Sign, damaged: Any sign which has become so deteriorated or dilapidated as to require more than minimal reconditioning to restore it to an average, normal state of repair.

J. Sign, free standing: Any sign permanently affixed to the ground and which is not affixed to a building and which is not used for off-premises advertising.

K. Sign, governmental: Any sign indicating public works projects, public services, or other programs or activities conducted or required by any governmental subdivision.

L. Sign, height: Sign height shall be the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average established ground level beneath the sign.

M. Sign, portable: Any sign not permanently affixed to the ground or to a building and which is designed to permit removal and reuse.

N. Sign, primary identification: Any sign identifying the name of a shopping center or group of commercial buildings. Such signs shall commit a minimum of fifty (50) percent of the allowable area to the primary identification while the remainder may identify businesses within the shopping center or group of commercial buildings.

O. Sign, Reality: Any sign used to advertise a real estate development site or to advertise that real estate is for sale or lease.

P. Sign, roof: Any signs which are affixed to building roofs, excepting mansard or sloping roofs.

Q. Sign, sign setback: Sign setback shall be the horizontal distance between a sign and the front lot or right-of-way line, as measured from that part of the sign, including its extremities and supports, nearest to an point on an imaginary vertical plane projecting from the front lot line.

R. Sign, sloping or mansard roof: Any sign affixed to a sloping or mansard roof.

S. Sign, temporary business promotion: Any sign which is designed to produce revenue by advertising services, sales, or other temporary promotional programs and which have a limited duration.

T. Sign, wall: Any sign affixed flat against and parallel to a building wall. For the purposes of this definition, wall shall include window areas.

**45.27 EXCEPTIONS AND MODIFICATIONS.** The regulations specified in this Ordinance shall be subject to the following exceptions, modifications and interpretations:

1. Use of Existing Lots of Record. In any district where dwellings are permitted, a single-family dwelling may be located on any lot of official record as of the effective date of this Ordinance irrespective of its area or width; provided however:

A. The sum of the side yard widths of any such lot shall not be less than thirty (30) percent of the width of the lot, but in no case less than ten (10) percent of the width of the lot for any one side yard.

B. The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case less than twenty (20) feet.

2. Structures Permitted Above the Height Limit. The building height limitations of this Ordinance shall be modified as follows:

Chimneys, cooling towers, elevator bulk-heads, fire towers, monuments, stage towers or scenery lofts, water towers, churches, ornamental towers and spires, radio or television towers or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted regulations of Dallas County; provided, however, that no such structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of any public airport.

3. Area Requirements. In any district in which residences are permitted and where neither public water supply nor public sanitary sewer is available, the lot area and frontage requirements shall be as follows, or the minimum required for the particular district, whichever is the greater:

A. Lot: Two (2) acres, lot width at building line--two hundred (200) feet; provided, however, that where a public water supply system is available these requirements shall be one and one-half (1.5) and one hundred fifty (150) feet, respectively. The foregoing square footage regulations shall be computed exclusive of any road easements.

B. The above requirements shall not apply in subdivision developments, providing private water supply and sewage collection and disposal systems, which have been approved by the Iowa Department of Natural Resources.

4. Double Frontage Lots. Buildings on through lots extending through from street to street shall provide the required front yard on both streets.

5. Other Exceptions to Yard Requirements. Every part of a required yard shall be open to the sky, unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for the ordinary projections of sills, belt courses, roof overhang, cornices and ornamental features projecting not to exceed twenty-four (24) inches.

6. Mixed-Use Yard Requirements. In instances where buildings are erected containing two or more uses housed vertically, the required side yards for the first floor use shall control.

#### 45.28 BOARD OF ADJUSTMENT: PROCEDURE.

1. Board Created. A Board of Adjustment is hereby established which shall consist of five (5) members appointed by the Board of Supervisors. The terms of office of the members of the Board of Adjustment and the manner of their appointment shall be as provided by State statute.
2. Meetings. The meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The presence of three (3) members shall be necessary to constitute a quorum.
3. Appeals. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of Dallas County affected by any decision of the Director of Planning and Development. Such appeal shall be taken within twenty (20) days of the decision by filing with the Director of Planning and Development and with the Board a notice of appeal specifying the grounds thereof. The Director of Planning and Development shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Director of Planning and Development certifies to the Board, after notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may not be granted by the Board, or by a court of record on application, on notice to the Director of Planning and Development and on due cause shown.

The Board shall fix a reasonable time for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent, or by attorney. Before an appeal is filed with the Board of Adjustment, the appellant shall pay a fee according to the Schedule of Fees: Dallas County Zoning Ordinance, which is on file in the Office of the Director of Planning and Development.

#### 45.29 BOARD OF ADJUSTMENT: POWERS AND DUTIES. The Board of Adjustment shall have the following powers and duties.

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Director of Planning and Development in enforcement of this Ordinance.

2. To grant a variance from the terms of this Ordinance when a property owner can show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of this Ordinance actually prohibits the use of his property in a manner reasonably similar to that of other property in the same district, and where the Board is satisfied under the evidence before it that a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. To establish unnecessary hardship, a property owner must show all of the following elements:

A. The land in question cannot yield a reasonable return from any use permitted by the regulations of the district in which the land is located. Failure to yield a reasonable return may only be shown by proof that the owner has been deprived of all beneficial or productive use of the land in question. It is not sufficient merely to show that the value of the land has been depreciated by the regulations or that a variance would permit the owner to maintain a more profitable use; and

B. The plight of the owner is due to unique circumstances not of the owner's own making, which unique circumstances must relate specifically to the land in question and not to general conditions in the neighborhood; and

C. The use to be authorized by the variance will not alter the essential character of the locality of the land in question.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with the Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 45.36 of this Ordinance.

Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

3. To grant special permits authorizing the following exceptions to the district regulations set forth in this Ordinance, provided all exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, shall not impair an adequate supply of light and air to adjacent property, shall not increase congestion in the public streets, shall not increase public danger of fire and safety, and shall not diminish or impair established property values in surrounding areas:

A. To permit erection and use of a building or the use of premises or vary the height, yard or area regulations in any location for a public service corporation for

public utility purposes, or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.

B. To permit the extension of a zoning district where the boundary line of a district divides a lot in a single ownership as shown of record or by existing contract or purchase at the time of the passage of this Ordinance, but in no case shall such extension of the district boundary line exceed fifty (50) feet in any direction.

C. To permit construction and use of a telecommunications tower, which would not be allowed as a permitted use by applicable district regulations, provided the applicant shows that the location of the tower at the specified site is necessary to avoid a significant gap in the provision of telecommunications services and that there are no alternative sites available upon which a tower or antenna could be located as a permitted use to provide the same quality of service. All of the requirements and conditions of Section 45.07.16 shall apply with respect to an application for a special permit and subsequent use of the tower in the event a special permit has been granted. In granting a special permit, the Board shall specify the maximum height of the tower, which height shall be the minimum height determined by the Board as sufficient to provide the telecommunications services necessary to avoid a significant gap in such services.

4. To hear and decide applications for conditional use permits and special permits as required by other sections of this Ordinance.

5. To hear and decide appeals and applications for variances and conditional use permits as required by the Flood Plain Management Ordinance, Chapter 40, Dallas County Code of Ordinances. In every case where a proposed use requires an appeal or application for variance or conditional use permit under both this Ordinance and Chapter 40, the applicant shall be required to file all such appeals or applications involving the same use with the Board at the same time, and the Board shall consider all appeals and applications under this Ordinance and Chapter 40 at the same public hearing.

6. To hear and decide applications for variances as required by The Perry Municipal Airport Height Zoning Ordinance, Chapter 41, Dallas County Code of Ordinances. In every case where a proposed use requires an appeal or application for variance or conditional use permit under both this Ordinance and Chapter 41, the applicant shall be required to file all such appeals or applications involving the same use with the Board at the same time, and the Board shall consider all appeals and applications under this Ordinance and Chapter 41 at the same public hearing.

#### 45.30 DECISIONS OF THE BOARD OF ADJUSTMENT.

1. General. In exercising the above mentioned powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement,



decision or determinations as it believes proper, and to that end shall have all the powers of the Director of Planning and Development.

2.     **Vote.**     The concurring vote of three of the members of the Board shall be necessary to reverse any three of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Director of Planning and Development or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance; provided, however, that the action of the Board shall not become effective until after the resolution of the Board, setting forth the full reason for its decision and the vote of each member participating therein, has been filed. Such resolution, immediately following the Board's final decision, shall be filed in the office of the Board, and shall be open to public inspection.

3.     **Evidence.**     Every variance, exception, special use permit or conditional use permit granted or denied by the Board shall be supported by testimony or evidence submitted in connection therewith.

4.     **Appeals.**     Any taxpayer, or any officer, department, board or bureau of Dallas County, or any person or persons jointly or severally aggrieved by any decision of the Board may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

5.     **New Applications.**     No rehearing or reconsideration of any decision by the Board shall be held. However, an aggrieved applicant may file a new application or appeal in cases where the facts and circumstances present at the time of the Board's prior decision have so changed as to materially affect the reasons which produced and supported it. Such new application or appeal shall not be filed with or considered by the Board until after one (1) year shall have elapsed from the date of the Board's prior decision.

When presented with such a new appeal or application, the Board shall first determine whether there has been a change in circumstances since the prior Board decision. If the Board determines circumstances have changed, then it shall make the additional determination whether the change in circumstances is so material as to affect the reasons underlying the prior Board decision.

**45.31 CERTIFICATE OF ZONING COMPLIANCE.**     No land shall be occupied or used, and no building, or other permitted structure, hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the Director of Planning and Development, stating that the building and use comply with the provisions of this ordinance; provided, however, that no permit shall be required for agricultural uses.

No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefor by the Director of Planning and

Development. No permit shall be issued to make a change unless the changes are in conformity with provisions of this ordinance.

Nothing in this part shall prevent the continuance of a non-conforming use as herein before authorized, unless a discontinuance is necessary for the safety of life or property.

Written application on approved forms shall be filed with the Director of Planning and Development and shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part, the exact location, size and height of any building or structure to be erected or altered, the existing and intended use of each building or structure or part thereof, the number of families or housekeeping units the building is designed to accommodate and when no buildings are involved, the location of the present use and the proposed use to be made of the lot, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. One (1) copy of such plans shall be returned to the owner when such plans shall have been approved by the Director of Planning and Development together with such Zoning Certificate as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

A permit fee shall be charged for the issuance of a Certificate of Zoning Compliance, in accordance with the Schedule of Fees: Dallas County Zoning Ordinance, which is on file in the office of the Director of Planning and Development.

No permit for excavation for, or the erection or alteration of any building shall be issued before the application has been made for a Certificate of Zoning Compliance, and no building or premises shall be occupied until that certificate is issued.

Certificates of Zoning Compliance issued in accordance with the provisions of this section shall be null and void at the end of six (6) months from the date of issue; if the construction, alteration, or change of use has not commenced during the six (6) month period. Proposed construction or alteration must be completed within eighteen (18) months.

No certificate or permit shall be issued that will allow the construction of only a basement or cellar for use for dwelling purposes.

A Certificate of Zoning Compliance shall be required of all non-conforming uses. Application for a certificate for non-conforming uses shall be filed with the Director of Planning and Development within twelve (12) months from the effective date of this ordinance, accompanied by affidavits of proof that such non-conforming use was legally established prior to the effective date of this Ordinance.

#### 45.32 AMENDMENTS.

1. General. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Board of Supervisors may by resolution on its own action or by petition after recommendation by the Planning and Zoning Commission, after public hearings as provided herein, amend, supplement, or change the regulations, district boundaries or classifications of property now or hereafter established by this Ordinance or amendments thereof.

2. Procedure for Change.

A. Applications for any change of district boundaries or classification of property as shown on the Official Zoning Map shall be submitted to the Planning and Zoning Commission at their public office upon such forms and shall be accompanied by such data and information as may be prescribed for that purpose by the Planning and Zoning Commission so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments of the text or requirements of this Ordinance shall likewise be submitted to the Planning and Zoning Commission on forms prescribed by it and shall be verified by the person or persons preparing said amendment.

B. Before submitting its recommendation on a proposed amendment to the Board of Supervisors, the Planning and Zoning Commission shall hold at least one (1) public hearing thereon, notice of which shall be given to all property owners within five hundred (500) feet of the property concerned by placing said notice in the United States mail at least ten (10) days before date of such hearing. Notice of said hearing shall also be published in a newspaper of general circulation, as required by Iowa law. The notice shall state the place and time at which the proposed amendment to the Ordinance, including text and maps, may be examined. When the Planning and Zoning Commission has completed its recommendations on a proposed amendment, it shall certify the same to the Board of Supervisors.

C. After receiving the certification of said recommendations on the proposed amendment from the Planning and Zoning Commission and before adoption of such amendment, the Board of Supervisors shall hold a public hearing thereon, and notices thereof shall be published as required by Iowa law. In addition, notices shall be sent by the United States mail as specified in subsection (B) above.

D. After receiving certification of the recommendations on the proposed amendment from the Planning and Zoning Commission and after holding the public hearing provided for, the Board of Supervisors shall consider such recommendations and vote on the adoption of the proposed amendment. The

proposed amendment shall become effective by a favorable vote of a majority of all the members of the Board of Supervisors.

E. Any person or persons desiring a change in the zoning classification of property shall file with the application for such change, a statement giving the names and addresses of the owners of all properties lying within five hundred (500) feet of any part of the property proposed to be changed.

F. The failure to notify as provided in subsections (B) and (C) above shall not invalidate any recommendation of the Planning and Zoning Commission or any action of the Board of Supervisors, provided such a failure was not intentional, and the omission of the name of any owner of property who may be affected by such amendment or change, shall not invalidate any recommendation adopted hereunder.

G. Each application for an amendment, except those initiated by the Planning and Zoning Commission, shall be accompanied by a check payable to the Treasurer of Dallas County or a cash payment in accord with the Schedule of Fees: Dallas County Zoning Ordinance, which is on file in the office of the Director of Planning and Development. Under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

H. Whenever any petition for an amendment, supplement or change of the zoning or regulations herein contained or subsequently established shall have been denied by the Board of Supervisors, then no new petition covering the same property and/or additional property shall be filed with or considered by the Board of Supervisors until one (1) year shall have elapsed from the date of the filing of the first petition.

45.33 DIRECTOR OF PLANNING AND DEVELOPMENT. There is hereby established the position of Director of Planning and Development who shall be appointed by the Board of Supervisors. The Director of Planning and Development shall administer and enforce the provisions of this Ordinance and shall have the following powers and duties, in connection therewith:

1. He shall issue all permits and certificates required by this ordinance.
2. If he shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures, or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance and the Board of Supervisors to insure compliance with or to prevent violation of its provisions.

All departments, officials and public employees of Dallas County who are vested with the duty or authority to issue permits shall insure conformance to the provisions of this Ordinance and shall issue no permit for any use, building or purpose if the same would be in conflict with the provisions of this Ordinance.

The Board of Supervisors, may, by resolution, delegate the powers and duties of the Office of Director of Planning and Development to any other officer or employee of the County, or of any city, town or governmental subdivision within the County, or may combine the powers and duties of this office with any other office or position.

45.34 SCHEDULE OF FEES. Fees pertaining to permits and actions required by this Ordinance shall be in accord with the Schedule of Fees, as adopted and amended by the County Board of Supervisors. A copy of the schedule of fees shall be on file in the office of Planning and Development.

45.35 VIOLATIONS AND PENALTIES.

1. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any regulation in or any provisions of this Ordinance or any amendment or supplement thereto adopted by the Board of Supervisors of Dallas County. Any person, firm or corporation violating any regulation in or any provision of this Ordinance or of any amendment or supplement thereto, shall be guilty of a county infraction as provided in Chapter 2 of the Dallas County Code of Ordinances. There are no scheduled civil penalties in Chapter 2 for violation of this Chapter 45. All violations under this Chapter 45 are subject to the maximum civil penalties provided in Chapter 2.

2. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, said Board of Supervisors, the County Attorney of Dallas County, Director of Planning and Development, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

45.36 SEVERABILITY CLAUSE. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

45.37 REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.